

Constitution

Thursday, 26 October 2023

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Summary and Explanation

The Council's Constitution

Wyre Borough 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.

What's in the Constitution

The Constitution is divided into 7 parts. The first 4 parts set out the basic rules governing the Council's business, followed by Codes and protocols (Part 5), the Members' Allowances Scheme (Part 6) and the Council's Management Structure and Scheme of Delegation (Part 7).

How the Council Operates

The Council is composed of 50 councillors elected every four years. Councillors are democratically accountable to residents of their ward. The overriding duty of councillors is to the whole community, but they have a special duty to their electors, including those who did not vote for them.

Councillors agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties.

All councillors meet together as the Council, which decides overall policies and sets the budget each year. Meetings of the Council are normally open to the public.

How Decisions are Made

The Executive

The Executive is responsible for most day-to-day decisions. The Executive is made up of a Leader elected by the Council and five Cabinet Members selected by the Leader, one of whom will be designated Deputy Leader. When major decisions are to be made or issues are to be discussed, advance notice of them is published in the Cabinet's Schedule of Executive Decisions. Where sufficient notice cannot be given the exception or urgency provisions set out in the Access to Information Procedure Rules (in Part 4.02) will be followed. If these major decisions are to be discussed with Council officers at a meeting of the Cabinet, this will generally be open for the public to attend except where personal or confidential matters are being discussed. The Executive has to make decisions in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to consider.

Overview and Scrutiny

There is an Overview and Scrutiny Committee which supports and scrutinises the work of the Cabinet and the Council. It conducts reviews and submits reports and recommendations which advise the Cabinet and the Council on its policies, budget and service delivery. The Overview and Scrutiny Committee also monitors the decisions of the Cabinet. Any four councillors can 'call-in' a decision which has been made by the Executive but not yet implemented. This allows the Overview and Scrutiny Committee to consider whether the

decision is appropriate and if necessary, recommend that the Cabinet or an individual Portfolio Holder or in limited circumstances the Council reconsider the decision. The Committee may also be asked by the Cabinet or the Council to undertake reviews or draw up responses to consultation documents. Members of the Cabinet cannot be Members of the Overview and Scrutiny Committee.

Regulatory Committees

The Council appoints Committees to consider applications for planning approval and various types of licenses. These committees also consider and make recommendations and decisions on planning and licensing policies. Members of the Cabinet cannot be Members of the regulatory committees.

The Council's Staff

The Council employs 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 governs the relationships between officers and members of the Council, as set out in Part 5 of this Constitution.

Citizens' Rights

Citizens have a number of rights in their dealings with the Council. These are set out in Article 3 and include rights to vote in elections, obtain information from the Council, to participate in elements of the Council's decision making process and to make comments or complaints. Some of these are legal rights, whilst others depend on the Council's own processes.

For further information on the Council's Constitution, please contact the Council's Democratic Services and Scrutiny Manager, Civic Centre, Poulton-le-Fylde.

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Article 1 - The Constitution

1.01 Powers of the Council

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

1.02 The Constitution

This Constitution and all its appendices, is the Constitution of Wyre Borough Council.

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 effectively;
4. enable decisions to be taken efficiently and effectively;
5. create a powerful and effective means of holding decision-makers to public account;
6. ensure that no one will review or scrutinise a decision in which they were directly involved;
7. ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
8. provide a means of improving the delivery of services to the community.

1.03 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 as set out in Article 18.

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Article 2 - Members of the Council

2.01 Composition and eligibility

(a) Composition

The Council comprises 50 members (councillors). One or more councillors is elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State.

(b) Eligibility

Only registered voters of the area 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 2003. The terms of office of councillors will start on the fourth day after being elected and will finish, for payment purposes, on the third day after the date of the next regular election, essentially retiring on the fourth day after the election in accordance with the Local Government Act 1972.

2.03 Roles and functions of all councillors

(a) Key roles

All councillors will:

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

(b) Rights and duties

- (i) Councillors 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.

- (ii) Councillors will not make public information which is exempt without the consent of the Council or divulge confidential information to anyone other than a councillor or officer entitled to know it.

For these purposes, “confidential information” and “exempt information” are defined in the Access to Information Procedure Rules in Part 4 of this Constitution.

- (iii) Councillors will be permitted to address meetings of the Planning Committee about a particular application, in accordance with the procedures in place (set out in Part 5 of this Constitution).
- (iv) Councillors will be permitted to address meetings of the Licensing Committee only in accordance with the provisions of the Licensing Act 2003 (Hearings Regulations) 2005 (as amended)

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.

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 Procedure Rules in Part 4 of this Constitution:

(a) Voting and petitions

- (i) Citizens on the electoral roll for the area have the right to vote at local elections.
- (ii) Citizens on the electoral roll also have the right to sign a petition to request a referendum for an elected mayor. If a petition for a referendum for an elected mayor signed by 5% of the local electorate is received a referendum on proposals for executive arrangements, including an elected mayor, must be held.
- (iii) Anyone who lives, works or studies within the Borough of Wyre can sign or submit a petition in accordance with the Council's Petitions Scheme (as set out in Part 5.07).

(b) Information

Citizens have the right to:

- (i) attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- (ii) attend meetings of the Cabinet (except where exempt information is likely to be disclosed);
- (iii) find out from the Schedule of Executive Decisions what key decisions will be taken by the Cabinet or one of its members and when;
- (iv) see reports and background papers, and any records of decisions made by the Council and the Cabinet; and
- (v) inspect the Council's accounts and make their views known to the external auditor.

(c) Participation

Citizens have the right to ask questions at Cabinet or Council meetings (in accordance with the Procedure Rules in Part 4), contribute to reviews undertaken by the Overview and Scrutiny Committee, and comment on individual planning and licensing applications.

(d) **Complaints**

Citizens have the right to complain to:

- (i) the Council itself under its complaints scheme;
- (ii) the Ombudsman after using the Council's own complaints scheme;
- (iii) the Monitoring Officer about a breach of the Councillor's 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 Council Meeting

4.01 Meanings

(a) Policy framework

The policy framework includes the following plans and strategies:

- Crime and Disorder Reduction Strategy;
- Local Plan and associated documents;
- Licensing Authority Policy Statement;
- Council Plan;
- Any other plan or strategy (whether statutory or non statutory) in respect of which the Council determines that the decision on its adoption or approval should be taken by it rather than the Cabinet;
- Pay Policy Statement.

(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 and, the control of its revenue and capital expenditure.

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 Access to Information 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) appointment of the Leader; (the Leader will inform the Council of the Deputy Leader and other members appointed to the Cabinet);
- (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 a Members Allowances Scheme;
- (h) changing the name of the area, conferring the title of honorary alderman or freedom of the borough;
- (i) confirming the appointment of the Head of Paid Service and the designation of the Monitoring Officer and the Chief Finance (Section 151) Officer;
- (j) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (k) all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Cabinet or one of its members; and
- (l) all other matters which, by law, must be reserved to 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 the Constitution.

4.04 Responsibility for Functions

The Council will maintain the schedules in Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Cabinet or one of its members.

Article 5 - Chairing the Council

5.01 Roles and function of the Mayor

The Mayor and the Deputy Mayor will be elected by the Council annually. The Mayor, or in his/her absence, the Deputy Mayor, will have the following responsibilities:

1. to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
2. to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
3. to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not in the Cabinet are able to hold the Cabinet and its members to account;
4. to promote public involvement in the Council's activities;
5. to be the conscience of the Council;
6. to attend such civic and ceremonial functions as the Council and he/she determines appropriate; and
7. to mediate any differences of view between the Council and the Cabinet on setting the budget or adopting a strategy or plan.

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Article 6 - The Cabinet

6.01 Role

The Cabinet will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

6.02 Form and composition

The Cabinet will form the Executive of the Council and will consist of the Leader together with at least five councillors (the statutory maximum is nine plus the Leader and the minimum is two plus the Leader).

On election, the Leader will inform the Council of the Deputy Leader and other members s/he has appointed to the Cabinet.

Each member of the Cabinet will individually hold office until the Annual Council Meeting following the next Council elections, unless:

- s/he resigns from office;
- s/he is suspended from being a councillor under Part III of the Local Government Act, 2000;
- s/he is no longer a councillor;
- s/he is removed from office by the Leader, who must give written notice of any change to the Chief Executive (such removal to take place after two days and to be notified to the Council at the next meeting).

6.03 Leader

The Leader will be a councillor elected to the position by the Council at the Annual Meeting following an election. The Leader will then hold office until the Annual Council Meeting following the next Council elections, unless:

- s/he resigns from office;
- s/he is suspended from being a councillor under Part III of the Local Government Act, 2000;
- s/he is no longer a councillor;
- s/he is removed from office by a resolution of the Council (following a vote on a Notice of Motion submitted under the Council Procedure Rules).

If the office of Leader becomes vacant, the Council shall fill the vacancy as soon as reasonably practicable, either at the next ordinary Council meeting or at an extraordinary Council meeting specially convened to elect a Leader.

The person elected will then hold office in accordance with the provisions of this Article. Pending such an appointment the Deputy Leader will assume the responsibilities of the Leader.

6.04 Proceedings of the Cabinet

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

6.05 Responsibility for functions

The Leader will maintain a list, as set out in Part 3 of the Constitution, detailing the particular responsibilities of each Cabinet Member. Functions can also be delegated to committees of the Cabinet, officers or joint arrangements and, where applicable, will be listed in Part 3.

6.06 Lead Members

The Leader may also appoint such number of other councillors as s/he may think fit to assist the Council and the Cabinet. These councillors, known as Lead Members, have no decision-making powers and do not form part of the Executive. Their role will be to provide support and advice on their specialist area of activity. Each Lead Member holds office until the Annual Council Meeting after the next Council elections, on the same terms as a Member of the Cabinet (see 6.02, above).

The responsibilities of Lead Members are set out in Part 3 of the Constitution.

Article 7 – Audit and Standards Committee

7.01 Membership

12 Members of the Council, the role is twofold and will operate independently from both the Executive and the Overview and Scrutiny function and receive training appropriate to their role.

7.02 Delegation of functions

See Scheme of Delegation (Part 7)

7.03 Purpose

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

The purpose of the committee is to provide those charged with governance, independent assurance of the adequacy of the risk management framework and the internal control environment. It provides independent review of the authority's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal and external audit, helping to ensure efficient and effective assurance arrangements are in place.

The committee is also responsible for upholding and encouraging the highest moral standards of Elected Members. The committee ensures that an effective process is in place to handle a variety of issues, including those involving Councillors' conduct.

The Council will appoint an Audit and Standards Committee independent from both the Executive and the Overview and Scrutiny function and it will have the following core functions:

7.04 Core Functions Audit

a. Governance, Risk and Control

- To review the council's corporate governance arrangements against the good governance framework, including the ethical framework and consider the local code of governance.
- To review the Annual Governance Statement (AGS) prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account the Audit and Risk Manager's annual audit opinion.
- To consider whether the annual evaluation for the AGS fairly concluded that governance arrangements are fit for purpose, supporting the achievement of the authority's objectives.
- To consider the reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
- To consider reports on the effectiveness of financial management arrangements, including compliance with CIPFA's Financial Management Code.
- To consider the council's arrangements to secure value for money and review assurances and assessment on the effectiveness of these arrangements.
- To monitor the effective development and operation of risk management in the council and monitor progress in addressing risk-related issues reported to the committee.
- To monitor counter-fraud, actions and resources and review the assessment of fraud risks and potential harm to the council from fraud and corruption.
- To review the effectiveness of the council's whistleblowing arrangements.
- To review the governance and assurance arrangements for significant partnerships or collaborations.

b. Internal Audit

- To approve the internal audit charter.
- To review proposals made in relation the appointment of external providers of internal audit services and to make recommendations.
- To approve the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurances and any work required to place reliance upon those other sources.
- To approve significant interim changes to the risk-based internal audit plan and resource requirements.
- To make appropriate enquiries of both management and the Audit and Risk Manager to determine if there are any inappropriate scope or resource limitations.
- To consider any impairments to the independence or objectivity of the Audit and Risk Manager arising from additional roles or responsibilities outside of internal auditing and to approve and periodically review safeguards to limit such impairments.
 - To consider reports from the Audit and Risk Manager on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include: updates on the work of internal audit, including key findings, issues of concern and actions in hand as a result of internal audit
 - regular reports on the results of the Quality Assurance Improvement Programme (QAIP)
 - reports on instances where the internal audit function does not confirm to the Public Sector Internal Audit Standards (PSIAS) and Local Government Application Note (LGAN), concerning whether the non-conformance is significant enough that it must be included in the AGS.
- To consider the Audit and Risk Manager's annual report, including:
 - the statement of the level of conformance with the PSIAS and LGAN and the results of the QAIP that support the statement (these will indicate the reliability of the conclusions of internal audit)
 - the opinion of the overall adequacy and effectiveness of the council's framework of governance, risk management and control, together with the summary of the work supporting the opinion (these will assist the committee in reviewing the AGS).
- To consider summaries of specific internal audit reports as requested.
- To consider a report on the effectiveness of internal audit to support the Annual Governance Statement where required to do so by the Accounts and Audit Regulations.
- To provide free and unfettered access to the Audit Committee Chair for the Audit and Risk Manager, including the opportunity for a private meeting with the committee.

- To receive reports outlining the action taken where the Audit and Risk Manager has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.
- To contribute to the QAIP and in particular to the external quality assessment of internal audit that takes place at least once every five years.

c. External Audit

- To comment on the scope and depth of external audit work and to ensure it gives value for money.
- To monitor the External Auditor's progress with the Annual Plan.
- To consider the External Auditors' annual letter, relevant reports and the report to those charged with governance.
- To consider specific reports as agreed with the External Auditor.
- To advise and recommend on the effectiveness of relationships between internal and external audit and other inspection agencies or relevant bodies.
- To provide free and unfettered access to the Audit Committee Chair for the External Auditors, including the opportunity for a private meeting with the committee.
- To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by PSAA.
- To consider additional commissions of work from external audit.

d. Financial Reporting

- To review the annual Statement of Accounts on behalf of Full Council in accordance with the Accounts and Audit Regulations 2015. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
- To monitor the arrangements and preparation for financial reporting to ensure that statutory requirements and professional standards can be met.
- To consider the External Auditor's report to those charged with governance on issues arising from the audit of the accounts.
- To consider and endorse amendments to the Council's Financial Regulations and Contract Procedure Rules and, on behalf of Full Council, give any instructions to the Section 151 Officer as may be appropriate.

e. Accountability Arrangements

- To report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements and internal and external audit functions. To report to Full Council on a regular basis on the committee's performance in relation to the terms of reference and effectiveness of the committee in meeting its purpose.
- To review any issue referred to it by the Chief Executive, Monitoring Officer or any Council body.
- To publish an annual report on the work of the committee, including a conclusion on the compliance with the CIPFA Position Statement.

f. Other core functions

- To undertake the annual review of the council's use of the Regulation of Investigatory Powers Act 2000 (RIPA), ensuring compliance with the Code of Practice.
- To receive updates and reports from the Head of Governance and Business Support (Data Protection Officer) and to approve policies in relation to Cyber Security and compliance with the Data Protection Act and Regulations made under the Act.

7.05 Core Functions Standards

- a.** To promote and maintain high standards of conduct by Councillors and co-opted Members;
- b.** To assist the Councillors and co-opted members to observe the Members' Code of Conduct;
- c.** To advise the Council on the adoption or revision of the Members' Code of Conduct;
- d.** To monitor the operation of the Members' Code of Conduct;
- e.** To advise Councillors and co-opt Members on matters relating to the Member's Code of Conduct and to arrange training where necessary;
- f.** To grant dispensations to Borough Councillors, Parish Councillors and co-opted Members from requirements relating to interests set out in the Members' Code of Conduct;
- g.** To consider, determine and take decisions on allegations that individual councillors have breached the Councillors Code of Conduct, in accordance with the procedures agreed by the Council for dealing with such allegations;

- h.** The exercise of (a) to (g) above in relation to the Parish and Town Councils wholly or mainly in the Borough of Wyre area and the Members of those Parish and Town Councils;
- i.** To monitor and review any Codes or Protocols relating to Members included in Part 5 of the Council's Constitution;
- j.** To investigate any allegations of breaches of Member Protocols and, where appropriate, considering the withdrawal of any privileges or facilities provided under that protocol from the Member(s) who has breached it to ensure the "proper administration of the Council";
- k.** To appoint Independent Persons to liaise with the Council's Monitoring Officer and the Standards Committee on ethical standards issues, as required by the Localism Act 2011.

Article 8 – Employment and Appeals Committee

8.01 Membership

4 Members of the Council

8.02 Delegation of functions

See Scheme of Delegation (Part 7)

8.03 Functions

- (a) To consider and make decisions on any new policies or major amendments to current policies.
- (b) To consider matters relating to superannuation, pensions and gratuities, including consideration of and making recommendations on retirement pay policy.
- (c) To consider appeals against dismissal, when necessary, under the Council's procedures.
- (d) To be the member-level forum for dealing with employee and human resources issues (except for the appointment of the Chief Executive or Corporate Directors and any other statutory officers which are the responsibility of an Appointments Committee appointed by the Council - see the Officer Employment Procedure Rules in Part 4.07).
- (e) Separate arrangements may apply to statutory officer roles (Monitoring Officer and Section 151 Officer) and guidance should be sought from Human Resources on arrangements for dealing with issues relating to these posts.

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Article 9 – Licensing Committee

9.01 Membership

12 Members of the Council.

9.02 Delegation of functions

See Scheme of Delegation (Part 7)

9.03 Functions

Taxi, gaming, entertainment, food and miscellaneous licensing.

Functions relating to licensing and registration as set out in Schedule 1 of the Functions Regulations.

To consider any applications for the grant, renewal, transfer or variation of any licences, permits or registrations of persons, premises or occupations where the relevant officer is of the opinion that the application might be refused.

To carry out all functions of the Licensing Act 2003, with the exception of the adoption, publication and review of the Licensing Act 2003 Policy that the Council intends to apply when carrying out its functions.

To consider any matter relating to the licensing, registration or control of premises, persons or occupations which may affect public safety, hygiene or any other matters concerning public health.

To exercise the powers and duties of the Council in relation to the licensing, registration and control of premises, persons or occupations which may affect public health or hygiene, animal welfare, public safety, (other than those specifically the responsibility of another Committee).

To exercise the powers of the Council with regard to permits for street collections and house to house collections.

To deal with applications for the grant, renewal, transfer or variation of any licence or permit referred by the relevant officer to the Committee.

To consider matters relating to hackney carriages and private hire vehicles or pleasure boats including fares and charges and hackney carriage stands.

To deal with matters relating to the grant, refusal, revocation, renewal or transfer of licences or permits for proprietors and drivers of hackney carriages, private hire vehicles and pleasure boats.

To carry out all the functions of the Gambling Act 2005 with the exception of the adoption, publication and review of the Statement of Principles that the Council intends to apply when carrying out its functions and the exercise of the power contained in Section 166 of the Act to resolve not to issue casino premises licences (which will be functions of the full Council).

To make, amend, revoke or re-enact byelaws.

Functions relating to health and safety under any 'relevant statutory provision' within the meaning of Part 1 of the Health and Safety at Work Act, 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as employer.

Article 10 - Overview and Scrutiny Committee

10.01 Membership

12 Members of the Council.

Delegation of functions

See Scheme of Delegation (Part 7).

Functions

The Committee will discharge the functions conferred by Section 21 of the Local Government Act 2000 and Local Authorities (Committee System) (England) Regulations 2012/1020.

In addition the committee will:

- (i) assist the Council and the Cabinet in the development of its budget and policies, with particular responsibility for Treasury Management;
- (ii) challenge the boundaries of existing policies and think creatively about possible new policies or solutions to problems;
- (iii) conduct research, community and other consultation and to consider possible options;
- (iv) make a positive contribution to the improvement of services;
- (v) liaise with external organisations operating in the area, to ensure that the interests of local people are enhanced by collaborative working;
- (vi) review and scrutinise the decisions made or other action taken, in connection with the discharge of any functions of the authority;
- (vii) review and scrutinise the performance of the Cabinet in relation to the Council's policy objectives, performance targets and/or particular service areas;
- (viii) make recommendations to the Cabinet and/or the Council arising from the scrutiny process;
- (ix) to make reports or recommendations to the Cabinet and/or the Council on matters which affect the authority's area or the inhabitants of that area;
- (x) undertake the Council's statutory requirements to scrutinise the Crime and Disorder partnership, and;
- (xi) consider any Councillor Call for Action (CCfA) submitted to it by the Democratic Services and Scrutiny Manager. If appropriate, the

Committee will make recommendations to the Cabinet, in accordance with the procedures set out in the Council's CCfA Scheme (Part 5.09).

Article 11 – Planning Committee

11.01 Membership

12 Members of the Council.

11.02 Delegation of functions

See Scheme of Delegation (Part 7)

11.03 Functions

Functions relating to town and country planning and development control as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities (England) Regulations, 2000 (the Functions Regulations).

To consider applications for planning permission, consent under the Town and Country Planning (Control of Advertisements) Regulations, certificates of lawful use or development, certificates of appropriate alternative development, listed building consents and Conservation Area Consents, the relaxation of Building Regulations and other applications under the Town and Country Planning Act, 1990 or associated legislation unless such matters have been delegated to an Officer.

To determine applications for planning permission for development by the Council or jointly with any other person.

To determine applications which the Council has power to determine for planning permission for development on land in which the Council has an interest where the Council does not intend to develop the land itself or jointly with any other person.

To confirm or otherwise deal with the Tree Preservation Orders, to which objections have been made.

To authorise the service of stop notices under the Town and Country Planning Act, 1990.

To authorise the service of planning contravention notices under the Planning and Compensation Act, 1991 and the serving of notices under Section 215 relating to the condition of land.

To authorise the entry into agreements for planning purposes regulating the development of land.

To make directions under Article 4 of the Town and Country Planning (General Permitted Development) Order, 1995.

To determine Hedgerow Removal Notices and the authorisation of the service of Hedgerow Replacement and Retention Notices.

To declare Conservation Areas or Areas of Special Control under the Town and Country Planning (Control of Advertisements) Regulations.

To make comments to the National Infrastructure Directorate on any proposed nationally significant infrastructure project within or impacting on the Borough.

Article 12 – Senior Officers Appointments Committee

12.01 Membership

Four Members of the Council, to include at least 1 member of the Cabinet by law.

12.02 Delegation of functions

See Scheme of Delegation (Part 7)

12.03 Function

To appoint the Head of Paid Service (the Chief Executive) and Directors.

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Article 13 – Senior Officers Disciplinary Committee

13.01 Membership

The membership of the Committee will comprise 4 Members and 2 Independent Persons.

The 2 independent persons will be those appointed by the Council in accordance with Regulations made under Section 28(7) of the Localism Act 2011 to deal with the Council's Councillor Code of Conduct regime and also specifically for this purpose under the Local Government (Standing Orders) (England) (Amendment) regulations 2015.

If the Council does not have 2 independent persons available, arrangements will be made to appoint an independent person from another Council to sit on the Committee.

13.02 Functions

To review the conclusions of any investigation under the Council's agreed disciplinary procedures in to the conduct of any of its three "protected" officers performing the statutory roles of Head of the Paid Service, Chief Finance Officer (Section 151 Officer) and Monitoring Officer, where the outcome of the investigation is to recommend dismissal and, after considering the investigation report and the views of the "protected" officer, to make recommendations to a meeting of the full Council on what it considers to be the most appropriate action.

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Article 14 - Joint arrangements

14.01 Arrangements to promote wellbeing

The Council or the Cabinet, in order to promote the economic, social or environmental wellbeing of its area, may:

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

14.02 Joint arrangements

- (a) The Council may establish joint arrangements with one or more local authorities and/or their Executive 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 Cabinet 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.
- (c) Except as set out below, the Executive may only appoint Cabinet members to a joint committee.
- (d) The Cabinet may appoint members to a joint committee from outside the Cabinet in the following circumstances:
 - the joint committee is between a County Council and a single District Council and relates to functions of the Executive of the County Council. In such cases, the Executive of the County Council 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.

In this case the political balance requirements do not apply to such appointments.

- (e) Details of any joint arrangements including any delegations to joint committees will be found in the Council's Responsibility for Joint Functions in Part 3 of this Constitution.

14.03 Access to information

- (a) The Access to Information Procedure Rules in Part 4 of this Constitution apply.
- (b) If all the members of a joint committee are members of the Cabinet or Executive in each of the participating authorities then its access to information regime is the same as that applied to the Cabinet.
- (c) If the joint committee contains members who are not on the Cabinet or Executive of any participating authority then the Access to Information Rules in Part V(A) of the Local Government Act, 1972 will apply.

14.04 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 Cabinet may delegate Executive functions to another local authority or the Executive of another local authority.
- (c) The Council will decide whether or not to accept such a delegation from another local authority.

14.05 Contracting out

The Council, for functions which are not Executive functions, or the Cabinet 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 contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

Article 15 – Officers

15.01 Management structure

(a) General

The Council may engage such staff (referred to as ‘officers’) as it considers necessary to carry out its functions.

(b) Statutory officers

The full Council will appoint persons for the post of Chief Executive.

(The full Council will also appoint the Corporate Directors, who will be designated as members of the Corporate Management Team).

The functions of the Chief Executive will be as follows:

Post	Functions and Areas of Responsibility
Chief Executive (and Head of Paid Service)	<p>To assist with the identification and delivery of the Council’s vision and corporate objectives.</p> <p>To be the Council’s Head of Paid Service with overall responsibility for the effective corporate and operational management of the Authority, and delivery of quality services to the community.</p> <p>To provide professional and policy advice to all parties in the decision-making process.</p> <p>To ensure the effective strategic management of the Council.</p> <p>To support the work and decision-making processes of the Leader and Executive, including the setting of strategic priorities which reflect the Council Plan.</p> <p>To advise on the formulation, review and implementation of Council policy and strategy, including strategic financial matters.</p> <p>To ensure effective performance management systems are in place in order to secure best value in service delivery including maximising the opportunities for joined-up working through partnership and joint provision.</p> <p>To sustain the corporate interests and workings of the Council as a whole.</p>

Post	Functions and Areas of Responsibility

<p>Chief Executive (and Head of Paid Service) (continued)</p>	<p>To ensure effective mechanisms are in place for the delivery of effective internal and external communication.</p> <p>To actively manage the relationship between members and officers and to intervene to resolve any communication and other problems within the Authority.</p> <p>To work with elected members and staff to ensure the Council adopts a proactive response to external challenges from central government and other bodies (locally, regionally, nationally and internationally).</p> <p>To secure arrangements for the Council to work with others to improve the economic, social and environmental well-being of the area through joined-up working and service provision.</p> <p>To keep under review the organisation and management of the Authority.</p> <p>To ensure arrangements are in place for the production of appropriate contingency plans for the authority and fulfil the statutory duties concerned with civil emergency planning.</p> <p>To ensure that the Council’s responsibilities for health and safety are met.</p> <p>To set agreed targets and monitor and evaluate the performance of the Corporate Directors.</p> <p>To work with the Cabinet to make any arrangements required to represent the Council at national, regional and European levels, with government bodies, local authorities, agencies, the local community, the private sector, academic institutions and any other organisations.</p>
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(c) Head of Paid Service, Monitoring Officer and Chief Financial Officer

The Council will designate the following posts as shown:

Designation	Post
Head of Paid Service and Returning Officer for elections	Chief Executive

Designation	Post
Monitoring Officer	Legal Services Manager
Chief Financial (Section 151) Officer	Corporate Director Resources

Such posts will have the functions described in Article 15.02 - 15.04 below.

(d) Structure

The Head of Paid Service will determine and publicise a description of the overall Service Unit structure of the Council showing the management structure and deployment of officers. This is set out in Part 7 of this Constitution.

15.02 Functions of the Head of Paid Service

(a) Discharge of functions by the Council

The Head of Paid Service will report to the 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 cannot be the Monitoring Officer but may hold the post of Chief Financial Officer if a qualified accountant.

15.03 Functions of the Monitoring Officer

(a) Maintaining the Constitution

The Monitoring Officer in conjunction with the Democratic Services and Scrutiny Manager will maintain an up-to-date version of the Constitution and will ensure that it is published on the Council's website.

(b) Ensuring lawfulness and fairness of decision-making

After consulting with the Head of Paid Service, Chief Financial Officer and the Legal Services Manager, the Monitoring Officer will report to the full Council or to the Cabinet in relation to an Executive function if s/he considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

(c) Supporting the 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) Dealing with complaints against Councillors

The Monitoring Officer will administer the process agreed by the Council for dealing with allegations of breaches of the Code of Conduct by Wyre Borough or Parish Councillors within the area.

(e) Proper Officer for Access to Information

The Monitoring Officer will ensure that decisions made by the Cabinet or one of its members, together with the reasons for those decisions and relevant Officer reports are made publicly available as soon as possible and that background papers are made available, on request.

(f) 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.

(g) Providing advice

The Monitoring Officer will contribute to the corporate management of the Council and will provide advice on the scope of powers and authority to take decisions, on maladministration, on financial impropriety, probity and on budget and policy framework issues to all Councillors.

(h) Restrictions on posts

The Monitoring Officer cannot be the Chief Financial Officer or the Head of Paid Service.

15.04 Functions of the Chief Financial Officer

(a) Ensuring lawfulness and financial prudence of decision-making

After consulting with the Head of Paid Service, the Legal Services Manager and the Monitoring Officer, the Chief Financial Officer will report to the full Council or to the Cabinet in relation to an Executive function and the Council's external auditor if s/he considers 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) Contributing to corporate management

The Chief Financial Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

(c) Administration of financial affairs

The Chief Financial Officer will have responsibility for the administration of the financial affairs of the Council.

(d) Internal audit

The Chief Financial Officer will ensure that an adequate and effective system of internal audit service is provided to the Council.

(e) Providing advice

The Chief Financial Officer will provide advice on the scope of powers and authority to take decisions, on maladministration, on financial impropriety, probity and on budget and policy framework issues to all councillors and will support and advise councillors and officers in their respective roles.

(f) Give financial information

The Chief Financial Officer will provide financial information to the media, members of the public and the community.

(g) Restriction on posts

The Chief Financial Officer cannot be the Monitoring Officer.

16.05 Duty to provide sufficient resources to the Monitoring Officer and Chief Financial Officer

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

15.06 Other officers

Other officers will carry out the roles and functions for which they are responsible as set out in Part 7 of this Constitution.

15.07 Conduct

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

15.08 Employment

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

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Article 16 - Decision making

16.01 Responsibility for decision making

The Council will issue and keep up-to-date a record of what part of the Council or which individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

16.02 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 consultation and the taking of professional advice from officers;
- (c) respect for human rights;
- (d) a presumption in favour of openness; and
- (e) clarity of aims and desired outcomes.

16.03 Types of decision

(a) Decisions reserved to the Council

Decisions relating to the functions listed in Article 4.02 will be made by the Council and not delegated.

(b) Key decisions

(i) A key decision means an Executive decision which is likely:

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

The sum of £100,000 has been agreed as the definition of "significant" for the purpose of paragraph (a).

(ii) A decision taker may only make a key decision in accordance with the requirements of the Executive Procedure Rules set out in Part 4 of this Constitution.

16.04 Decision making by Council bodies acting as tribunals or in a quasi-judicial manner

Subject to Article 16/05 the Cabinet, Council and Overview and Scrutiny Committee will follow their respective Procedure Rules set out in Part 4 of this Constitution as apply to them. For other committees and sub-committees established by the Council the Council Procedure Rules will apply.

16.05 Decision making by Council bodies acting as tribunals or in a quasi-judicial manner

The Council, a councillor or an officer acting as a tribunal or in a quasi judicial 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.

Article 17 - Finance, contracts and legal matters

17.01 Financial management

The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Part 4 of this Constitution.

17.02 Contracts

Every contract made by the Council will comply with the Contracts Procedure Rules (Standing Orders relating to Contracts) set out in Part 4 of this Constitution.

17.03 Legal proceedings

The Chief Executive, or other person authorised by him/her, 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 in any case where the Legal Services Manager considers that such action is necessary to protect the Council's interests.

17.04 Authentication of documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Chief Executive or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to, some other person.

17.05 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Chief Executive or Legal Services Manager. A decision of the Council, or of any part of it, will be sufficient authority for sealing any documentation necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Legal Services Manager should be sealed. The affixing of the Common Seal will be attested by the Chief Executive or some other person authorised by him/her.

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Article 18 – Review and revision of the Constitution

18.01 Protocol for monitoring and review of Constitution by Monitoring Officer

The Monitoring Officer shall make recommendations for ways in which the Constitution could be amended in order to better achieve the purposes set out in Article 1. In undertaking this task the Monitoring Officer may:

- (1) observe meetings of councillors and officers;
- (2) undertake an audit trail of a sample of decisions;
- (3) record and analyse issues raised with him/her by councillors, officers, the public and other relevant stakeholders;
- (4) compare practices in this Authority with those in other comparable Authorities, or national examples of best practice; and
- (5) take such other action as may facilitate the process.

18.02 Changes to the Constitution

Changes to the Constitution will be approved only by the Council except for:

- amendments to the Council's Financial Regulations and Financial Procedure Rules which may be made by the Audit Committee without reference to the full Council.
- minor changes to correct clerical mistakes, make factual amendments (including changes to job titles), to comply with the law or to reflect decisions made by or behalf of the Council, which may be made by the Democratic Services and Scrutiny Manager.

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Article 19 - suspension, interpretation and publication of the Constitution

19.01 Suspension of the Constitution

(a) Limit to Suspension

The Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the full Council to the extent permitted within those Rules and the 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.

19.02 Interpretation

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

19.03 Publication

The Head of Paid Service will ensure that copies are available on the Council's website and for inspection at the Civic Centre.

19.04 Description of Executive arrangements

The following parts of this Constitution constitute the Executive arrangements:

1. Article 10 (The Overview and Scrutiny Committee) and the Overview and Scrutiny Procedure Rules (to the extent that they refer to the relationship with the Cabinet e.g. procedures for call-in of Executive decisions);
2. Article 6 (The Cabinet) and Part 4.04 (the Cabinet Procedure Rules);
3. Article 14 (Joint arrangements);
4. Article 16 (Decision making) and Part 4.02 (the Access to Information Procedure Rules);
5. Part 3 (Responsibility for Functions);
6. Part 7.02 (in so far as they deal with the Delegation of Executive Functions to officers).

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Responsibility for Local Choice Functions

These are functions which may be but need not be the responsibility of an Authority's Executive. The Council has determined that the following are council functions.

Decision Making Body: Council

Membership: (50) Members of the Authority

Delegation of Functions: See Scheme of Delegation (Part 7)

Function: Any function under a local Act other than a function specified or referred to in Regulation 2 or Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations, 2001.

The determination of an appeal against any decision made by or on behalf of the authority.

The appointment of review boards under regulations under subsection (4) of section 34 (determination of claims and reviews) of the Social Security Act 1998.

Any function relating to contaminated land.

The discharge of any function relating to the control of pollution or the management of air quality.

The service of an abatement notice in respect of a statutory nuisance.

The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1983 should apply in the authority's area.

The inspection of the authority's area to detect any statutory nuisance.

The investigation of any complaint as to the existence of a statutory nuisance.

The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.

The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.

The making of agreements for the execution of highways works.

The appointment of any individual:

- (a) to any office other than an office which he is employed by the authority;
- (b) to any body other than:
 - (i) the authority;
 - (ii) a joint committee of two or more authorities; or
- (c) to any committee or sub-committee of such a body and the revocation of any such appointment.

Responsibility for Council Functions

The Full Council

Only the Council will exercise the following functions (as set out in Article 4 in Part 2):

- (a) Adopting and changing the Constitution (except for the Financial Regulations and Financial Procedure Rules in Part 4.06, which can be amended by the Audit Committee)
- (b) Approving or adopting the policy framework and the budget
- (c) Subject to the urgency procedure contained in the Access to Information 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) Appointment of the Leader (the Leader will inform the Council of the Deputy Leader and other members appointed to the Cabinet)
- (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 the Members' Allowances Scheme
- (h) Changing the name of an area, conferring the title of honorary alderman or freedom of the borough
- (i) Confirming the appointment of the Head of Paid Service and the designation of the Monitoring Officer and the Chief Finance (Section 151) Officer
- (j) Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills
- (k) All local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Cabinet or one of its members;
- (l) All other matters which, by law, must be reserved to Council.

Committee:	Planning Committee
Membership:	(12) Members of the Authority
Delegation of Functions:	See Scheme of Delegation (Part 7)
Functions:	<p>Functions relating to town and country planning and development control as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities (England) Regulations, 2000 (the Functions Regulations).</p> <p>To consider applications for planning permission, consent under the Town and Country Planning (Control of Advertisements) Regulations, certificates of lawful use or development, certificates of appropriate alternative development, listed building consents and Conservation Area Consents, the relaxation of Building Regulations and other applications under the Town and Country Planning Act, 1990 or associated legislation unless such matters have been delegated to an Officer.</p> <p>To determine applications for planning permission for development by the Council or jointly with any other person.</p> <p>To determine applications which the Council has power to determine for planning permission for development on land in which the Council has an interest where the Council does not intend to develop the land itself or jointly with any other person.</p> <p>To confirm or otherwise deal with the Tree Preservation Orders, to which objections have been made.</p> <p>To authorise the service of stop, enforcement and completion notices under the Town and Country Planning Act, 1990.</p> <p>To authorise the service of planning contravention notices under the Planning and Compensation Act, 1991 and the serving of notices under Section 215 relating to the condition of land.</p> <p>To authorise the entry into agreements for planning purposes regulating the development of land.</p> <p>To make directions under Article 4 of the Town and Country Planning (General Permitted Development) Order, 1995.</p> <p>To determine Hedgerow Removal Notices and the authorisation of the service of Hedgerow Replacement and Retention Notices.</p> <p>To declare Conservation Areas or Areas of Special Control under the Town and Country Planning (Control of Advertisements) Regulations.</p>

To make comments to the National Infrastructure Directorate on any proposed nationally significant infrastructure project within or impacting on the Borough.

The approval of Section 106 Notices

Committee: **Licensing Committee**

Membership: (12) Members of the Authority

Delegation of Functions: See Scheme of Delegation (Part 7)

Functions : Taxi, gaming, entertainment, food, scrap metal, and miscellaneous licensing.

Functions relating to licensing and registration as set out in Schedule 1 to the Functions Regulations.

To consider any applications for the grant, renewal, transfer or variation of any licences, permits or registrations of persons, premises or occupations where the relevant officer is of the opinion that the application might be refused.

To carry out all functions of the Licensing Act 2003, with the exception of the adoption, publication and review of the Licensing Act 2003 Policy that the Council intends to apply when carrying out its functions.

To consider any matter relating to the licensing, registration or control of premises, persons or occupations which may affect public safety, hygiene or any other matters concerning public health.

To exercise the powers and duties of the Council in relation to the licensing, registration and control of premises, persons or occupations which may affect public health or hygiene, animal welfare, public safety, (other than those specifically the responsibility of another Committee).

To exercise the powers of the Council with regard to permits for street collections and house to house collections.

To deal with applications for the grant, renewal, transfer or variation of any licence or permit referred by the relevant officer to the Committee.

To consider matters relating to hackney carriages and private hire vehicles or pleasure boats including fares and charges and hackney carriage stands.

To deal with matters relating to the grant, refusal, revocation, renewal or transfer of licences or permits for proprietors and drivers of hackney carriages, private hire vehicles and pleasure boats.

To carry out all the functions of the Gambling Act 2005 with the exception of the adoption, publication and review of the Statement of Principles that the Council intends to apply when carrying out its functions and the exercise of the power contained in Section 166 of the Act to resolve not to issue casino premises licences (which will be functions of the full Council).

To make, amend, revoke or re-enact byelaws.

Functions relating to health and safety under any 'relevant statutory provision' within the meaning of Part 1 of the Health and Safety at Work Act, 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as employer.

To undertake the following functions in respect of the licensing of sex establishments under the provisions of Part II and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in accordance with the Council's Policy:

- (a) Determining applications for grant, renewal, transfer or variation of a licence where no relevant objections have been received;
- (b) Cancellation of licence;
- (c) Enforcement of the provisions of Part II and Schedule 3 (relating to sex establishments)

Committee: **Employment and Appeals Committee**

Membership: (4) Members of the Authority

Delegation of Functions: See Scheme of Delegation (Part 7)

Functions: See terms of reference at Article 8

Committee: **Audit and Standards Committee**

Membership: (12) Members of the Council.

Delegation of Functions: See Scheme of Delegation (Part 7)

Functions: See terms of reference at Article 7

Committee:	Senior Officer Appointments Committee
Membership:	4 Members of the Authority appointed by the Council (this must include at least 1 member of the Cabinet by law and opposition representation in accordance with political proportionality arrangements agreed by the Council).
Delegation of Functions:	See Scheme of Delegation (Part 7).
Functions:	To appoint the Head of Paid Service (the Chief Executive) and Directors.
Committee	Senior Officer Disciplinary Committee
Membership	4 members. Appointed separately from the Senior Officer Appointments Committee at Annual Council meeting

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Responsibilities for Executive Functions

The following arrangements will apply in respect of the exercise of Executive Functions. Unless the context indicates otherwise, it is intended that the Cabinet, or the particular individual member of it identified below, will have decision-making powers in respect of the matters set out under “Functions”. In exercising any such powers, regard must be had to the provisions of the Scheme of Delegation to Officers. The Cabinet, or individual members of the Cabinet will not normally seek to exercise those of their powers set out below which are delegated to an Officer of the Council. Nothing in this Constitution shall operate so as to authorise the exercise by the Cabinet, or any member(s) of it, of any power which is precluded statutorily from being exercised in such manner. Consequently, for example, executive decisions under these arrangements may not be made where they are contrary to, or not wholly in accordance with, the Council’s budget, the Council’s plan or strategy in relation to borrowing or capital expenditure, or a Council approved strategy, plan or policy.

Decision Making Body	Cabinet
Membership:	Currently 6 Members of the Authority – statutory minimum of 2 plus the Leader and statutory maximum of 9 plus the Leader
Delegation of Functions:	See Scheme of Delegation (Part 7)
Functions:	<p>To consider any matter of importance affecting more than one of the Cabinet portfolios.</p> <p>To consider matters of importance which involve the Council’s external relations.</p> <p>To ensure the delivery of corporate performance targets</p> <p>In accordance with the provisions of the Constitution to transact any business which, in the opinion of the Cabinet, is urgent and requires immediate action.</p> <p>To submit any evidence or to report on behalf of the Council to any Commission, Committee or similar body where it is not expedient for the matter to be referred to the Council.</p> <p>To consider matters relating to national or regional planning policy guidance including urban capacity and similar studies.</p> <p>To consider reports and recommendations from the Council’s Overview and Scrutiny Committee.</p> <p><u>Matters where the Cabinet is required to make recommendations to the Council</u></p> <p>The formulation of the Council’s overall policy objectives.</p>

The allocation and use of resources within the overall budget to achieve the Council's policies and priorities.

The Council's delegation scheme.

The Council's management and departmental structure, including arrangements for the appointment of the Chief Executive and Directors.

Matters relating to Development Planning Documents or the Local Development Scheme.

To have oversight on all matters relating to financial borrowing, lending or leasing by the Council, the management of internal funds and the supervision of the investment of monies, including consideration of the Treasury Management Policy and Strategy (for the coming year), including the Capital Strategy.

Capital and revenue estimates, the expenditure level to be used in the calculation of the Council Tax.

The levy of the Council Tax.

Expenditure on capital items where there is no provision in approved budgets or where the quotation cost exceeds provision in approved budgets by more than 10 per cent.

Expenditure on capital items where final expenditure exceeds the approved contract sum by either 10 per cent or £20,000 whichever is the lesser.

Increased expenditure for which no provision has been made in approved estimates and which cannot be covered by virement between budgets in accordance with the Council's Financial Regulations and Financial Procedure Rules.

Matters arising from the Council's duty to consult with business ratepayers.

Terms of Reference and Delegated Powers of the Leader

To act as the focus for the strategic leadership of the Council.

To appoint Cabinet members and allocate their executive functions

To act as the Council's representative and spokesperson on strategic partnerships at a regional, county and local level.

To consider all aspects of matters relating to public relations and the Council's reputation.

Terms of Reference and Delegated Powers of the Resources Cabinet Member

To consider arrangements for a strategic approach for the Council's procurement of goods and services.

To consider departures from Rules relating to financial and contractual matters if appropriate.

To consider the Council's strategic direction in relation to asset management including:

- (a) any matters relating to the sale, lease or tenancy of land or buildings, or the grant of any other right over land, beyond the powers delegated to the Head of Assets .
- (b) To consider the management, repair, maintenance, replacement, construction, enhancement and use of the Council's land and buildings, including ancillary car parks
- (c) To consider the assembly and purchase of land for development, redevelopment and in advance of requirements.
- (d) To consider the reclamation of derelict land.

To approve the transfer of funds (in accordance with Financial Procedure Rules) within the approved estimates insofar as they are within the Council's budget and policy framework and subject to any limitations set by the Council within the budget framework.

To deal with the collection and enforcement of debts due except where specific responsibility has been allocated elsewhere.

To determine requests relating to the release or modification of covenants affecting land of which the Council has the benefit where the Head of Assets does not have delegated power to deal with such requests.

To consider proposals relating to the Council's strategic approach to human resources.

To consider the Council's strategic policy in relation to Value for Money.

To consider matters relating to the implementation of the Council's ICT digital transformation strategy.

To consider proposals relating to the Council's strategic approach to delivering excellent customer services.

To consider civic and ceremonial issues.

To consider any equality and diversity issues relevant to the Council which relate to executive functions (i.e. excluding issues relating to the terms and conditions appointment or dismissal of employees which are not executive functions).

To consider emergency planning and business continuity issues.

To determine payment of grants to outside bodies within allocated budgets.

To consider National Non-domestic Rating and Council Tax matters.

To consider applications for hardship and discretionary rate relief under the Council's schemes.

To consider proposals for the exercise of powers under Section 137 of the Local Government Act 1972 (i.e. the power of local authorities to incur expenditure for certain purposes not otherwise authorised).

To determine charges or fees for any relevant services operated within the Portfolio.

Terms of Reference and Delegated Powers of the Street Scene, Parks and Open Spaces Cabinet Member

To consider issues relating to the development and co-ordination of the Council's approach to public realm.

To consider matters relating to the provision and management of public conveniences.

To consider arrangements for the design and provision of services for refuse collection, street cleansing, and litter control (including beach and foreshore cleaning).

To monitor the delivery of public realm Services

To consider any matters relating to the monitoring and enforcement of street scene related issues including litter, graffiti, fly tipping, fly posting dog fouling, and abandoned vehicles.

To consider any matters relating to dog control.

To evaluate and prioritise proposed environmental improvement and enhancement schemes and to devise an agreed programme for such schemes within the financial provision allocated.

To consider matters relating to parks, gardens, open spaces, playing fields, playgrounds and allotments.

To determine charges or fees for any relevant services operated within the Portfolio.

Terms of Reference and Delegated Powers of the Neighbourhood Services and Community Safety Cabinet Member

To consider options and proposals to improve, preserve and maintain those neighbourhoods and places which local people consider valuable for conservation, commerce and daily living.

To consider any matter relating to the Council's responsibilities for land drainage, water courses or the prevention of flooding.

To consider any matter relating to the Council's responsibilities for coast protection or the provision and maintenance of sea defences.

To exercise all powers in relation to the provision and operation of off-street car parks which are not ancillary to another Council building the management of which is undertaken by another portfolio holder.

To consider the housing needs of the Borough in respect of the supply of housing accommodation and advice services including arrangements for the inspection of the condition of all dwellings within the Borough, to secure satisfactory standards and improvement of housing.

To consider issues relating to actions necessary to secure the improvement or demolition of unsatisfactory dwellings or dwellings with an unsatisfactory environment.

To consider arrangements for enabling the provision of housing accommodation through the erection of houses or through the conversion, alteration, improvement or use of properties acquired by the Council, or by any other agency.

To consider and make recommendations on the Council's policy on housing advances, including the provision of grants.

To consider matters relating to homeless people and vulnerable people in the Borough.

To consider arrangements for the provision of the Care and Repair Service and the Handy Person Service.

To consider the duties relating to the Home Energy Conservation Act, 1995.

To consider the duties relating to the Housing Act, 1996 and the Housing Grants and Construction Regeneration Act, 1996 and other relevant housing legislation.

To consider arrangements for the delivery of Benefits services.

To exercise powers contained in legislation for improving landlord and tenant relations in private dwellings.

To consider issues relating to the provision of a housing advisory service.

To consider issues relating to the provision or management, either directly or otherwise of temporary accommodation in accordance with the provisions of Part III of the Housing Act, 1985, as amended.

To consider ways of working with others to make Wyre a safer place to live, work and visit by helping to reduce crime and the fear of crime in the local community.

To consider matters relating to the Council's strategy towards reducing crime and disorder.

To consider matters in relation to the Council's CCTV system

To drive initiatives which affect the Council in relation to the enhancement of community safety throughout Wyre and to seek to create a safe and secure environment for the whole community through the reduction of crime and fear of crime.

To determine charges or fees for any relevant services operated within the Portfolio.

Terms of Reference and Delegated Powers of the Planning Policy and Economic Development Cabinet Member

To consider options and proposals to improve, preserve and maintain those neighbourhoods and places which local people consider valuable for conservation, commerce and daily living.

To consider matters relating to the Local Development Scheme, Supplementary Planning Documents and other planning guidance.

To consider proposals for the conservation or enhancement of the physical environment of the Borough.

To consider arrangements for the provision of housing.

To consider and make recommendations on the Council's policy on regeneration and improvement.

To facilitate the provision of social housing by external organisations.

To consider issues and exercise powers and duties relating to the Council's Building Control functions.

To make decisions on behalf of the Council, in regard to its role and responsibilities in the establishment, operation, monitoring and review of partnership development, so far as economic development, regeneration, social enterprise and community development are concerned.

To deal with issues related to the function of the Council as the Accountable Body or leading agency, for the management, administration or reporting arrangements of organisations promoting or delivering economic development or regeneration projects.

To consider and keep under review, the state of employment and unemployment, social and economic indices and industrial, commercial and service industry development, in the Borough, including matters relating to the assessment of future requirements for industrial, commercial and development land and property, and advising on the allocation, assembly, transferability and disposal of land for those purposes.

To consider arrangements for the promotion of the Borough for all purposes associated with inward investment, retention of the economic base of the district, the expansion of all commercial enterprise and the development of opportunity for new ventures, and to liaise with all other bodies with similar or supportive purposes, in relation to the Borough or part of the Borough or a wider area, e.g. the Blackpool, Fylde and Wyre Economic Prosperity Board (EPB).

To act as co-ordinator in any measures designed to increase the prosperity of the Borough by developing and maintaining relationships with public and private bodies concerned with any activities which seek to create or maintain employment.

To encourage both public and private investment within the Borough which may lead to increased employment opportunities.

To consider arrangements for direct Council investment in the provision of facilities which will protect or promote employment opportunities.

To consider arrangements for the formulation of any scheme for direct financial assistance to industry or commerce and to consider any requests for assistance.

To consider arrangements for and participate in any special initiatives with the purpose of job creation, work experience or training with a view to enhancing employment opportunities.

To consider arrangements for the formulation of any existing scheme for any direct financial assistance to commerce, industry or enterprise, including the establishment, development and review of the Local Authority Business Growth Incentive Scheme, its criteria, guidance and application, within the Borough.

To seek recognition by government, the EU or any other relevant agency or body of the special needs of any part of the Borough or the local economy.

To consider arrangements for the operation of an advisory service to business and commerce either through agencies or directly to those who might benefit.

To consider arrangements for the promotion of the Borough for rural development, agricultural and farming diversity, development opportunities and the retention of employment capacity, commensurate with the sustainability of a rural economy.

To consider matters relating to the operation of public markets.

To exercise any powers in relation to the operation of the Fleetwood/Knott End Ferry Service.

To make representations to public transport operators, the County Council and other bodies on any matters relating to the provision of public transport services.

To consider any operational matters relating to the provision of bus stations.

To consider any matters relating to the Council's responsibilities for highways and highway-related infrastructure including bus shelters.

To determine charges or fees for any relevant services operated within the portfolio.

To consider matters relating to member development and support.

Terms of Reference and Delegated Powers of the Leisure, Health and Community Engagement Cabinet Member

To consider options and proposals to improve, preserve and maintain those neighbourhoods and places which local people consider valuable for recreation and daily living.

To consider the management, conservation, protection and provision of access to Wyre's countryside through the implementation of a Countryside Management Programme.

To consider matters relating to sport and recreation, including sports facilities (apart from playing fields), swimming centres, riverside and marine facilities for leisure pursuits and other leisure and cultural services.

To formulate and make recommendations on strategies and programmes to encourage the development of sport, leisure and cultural pursuits, including arts development and promotion.

To consider arrangements for the provision and management of cemeteries and burial grounds.

To consider arrangements for the promotion of the Borough for tourism purposes and to liaise with all other bodies with a similar purpose either in relation to the Borough, part of the Borough or a wider area.

To develop and sustain the Council's strategy for encouraging the growth and diversity of tourism within the Borough.

To monitor and encourage the development of Tourism through market research and advice and to assist the Wyre Tourism Association.

To deal with the promotion of the Borough or any part of it for countryside, leisure and cultural services purposes and to encourage private sector initiatives and joint funded activities.

To consider arrangements for the provision and development of Tourist Information Centres, promotions and other visitor services.

To consider matters relating to theatres and their associated events programmes.

To determine charges or fees for any relevant services operated within the portfolio.

To oversee the delivery of customer-focussed services in an efficient and effective manner through continual improvement, regular challenge and by listening to local people.

To consider issues relating to environmental health functions in accordance with the Council's policy in relation to the Council's powers and duties under the provisions of the Public Health Acts

and other statutory provisions as relate to public health and hygiene, food, animal welfare, public safety, home safety and shops except functions listed in Schedule 1 of the Local Authorities (Functions and Responsibilities) England Regulations 2000.

To consider matters relating to private sewers, drains and cesspools.

To secure arrangements for proper standards of food hygiene.

To exercise the powers and duties of the Council in respect of the welfare and working conditions of workpeople, except those under Part 1 of the Health and Safety at Work, etc. Act 1974.

To exercise the powers and duties of the Council as Port Health Authority.

To exercise powers and duties in relation to safety at fairgrounds and circuses.

To exercise the powers and duties for the Council with respect to the control of pollution and noise.

To exercise the Council's powers and duties under the Public Health (Control of Disease) Act 1984 in relation to environmental services.

To determine charges or fees for any relevant services operated within the Portfolio.

Functions of Lead Members (Supporting the Cabinet)

- Functions:** In relation to a Portfolio of functions and/or matters assigned to them by the Executive Leader, Lead Members where they are appointed, are assigned special responsibilities as set out below. In exercising these responsibilities, they do not have executive decision-making powers.
1. maintaining knowledge and awareness of those functions or matters and of current activities and developments in relation to them;
 2. liaising with the corresponding Executive members and the responsible Officer;
 3. communicating and representing to the Executive the views of non-Executive Councillors on all matters relating to their role;
 4. assisting the Executive member in promoting the efficient and effective delivery of the relevant services and the achievement of all relevant Council policy objectives in compliance with the approved budgets and providing all such other assistance, advice and support as the Executive Member may from time to time require;
 5. responding to and assisting the Overview and Scrutiny Committee or an overview and scrutiny task group as required;
 6. If requested by the Executive member, leading for the Council politically and publicly in external dealings and relationships, including with the media.

Lead Members are currently appointed for the following functions:

Older People's Issues
Young People's Issues
Mental Health Issues
Armed Forces Issues
Climate Change Issues

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Responsibility for Joint Functions

The Council will appoint 1 member to the Police and Crime Panel for Lancashire, a formal Joint Committee of the 15 local authorities for the Lancashire Police force area, established under the Police Reform and Social Responsibility Act 2011.

The Terms of Reference, operating arrangements and Procedure Rules of the Panel are set out below.

Lancashire Police and Crime Panel Terms of Reference

The Panel will exercise the following powers under the Police Reform and Social Responsibility Act 2011, and all other enabling powers, discharging its functions in accordance with the Policing Protocol Order 2011.

- 1) To review and make a report or recommendation(s) on the draft police and crime plan, or draft variation, given to the Panel by the Police and Crime Commissioner (the Commissioner).
- 2) To review, put questions to the Commissioner at a public meeting, and make a report or recommendation (as necessary) on the Commissioner's annual report.
- 3) To hold a confirmation hearing in public and review, make a report and recommendation (as necessary) in respect of proposed appointments by the Commissioner of Chief Constable, Chief Executive, Chief Finance Officer, and Deputy Police and Crime Commissioner.
- 4) To hold a scrutiny meeting in private and make a recommendation to the Commissioner on a proposal by the Commissioner to call upon the Chief Constable to retire or resign.
- 5) To review and make a report and recommendation (as necessary) on the proposed precept.
- 6) To review or scrutinise decisions made, or other action taken, by the Commissioner in connection with the discharge of his/her functions.
- 7) To make reports or recommendations to the Commissioner with respect to the discharge of the Commissioner's functions.
- 8) To support the effective exercise of the Commissioner's functions.
- 9) To fulfil functions in relation to complaints about conduct matters, in accordance with the Panel's responsibilities as provided for by the Police Reform and Social Responsibility Act 2011.
- 10) To appoint, if necessary, an Acting Police and Crime Commissioner.
- 11) To suspend the Commissioner if it appears to the Panel that the Commissioner has been charged in the United Kingdom or Isle of Man with an offence which carries a maximum term of imprisonment exceeding two years

Lancashire Police and Crime Panel

Panel Arrangements

1. General Principles

- 1.1** Blackburn with Darwen Borough Council ['BWDBC'] shall act as the host authority for the Police and Crime Panel. BWDBC will act as Secretary to the Panel and shall be responsible for ensuring that the necessary officer support is provided and that any necessary arrangements are made to promote the role of the Panel.
- 1.2** The Panel must be made up of a minimum of 15 councillors and 2 co-opted independent members.
- 1.3** The constitution of the Panel should take account of, as far as is practical, both political and geographical proportionality, as well as the necessary knowledge, skills and experience to discharge its functions effectively – “the balanced appointment” objective.
- 1.4** Additional members may be co-opted on to the Panel to enable the balanced appointment objective to be met, as long as the size does not exceed 20 and the Secretary of State approves the co-options. Additional Members may or may not be councillors.

2. Membership

- 2.1** The constituent councils on the Panel are the County Council, the two unitary authority councils and the twelve district councils in Lancashire.
- 2.2** The Panel's membership will be made up of one councillor from each constituent Council and 2 independent co-opted members, plus any additional Councillors from specific authorities in order to achieve the balanced appointment” objective.
- 2.3** All County Councillors and District Councillors are eligible to be members of the Panel.
- 2.4** All Councillors on the Panel will serve a term of 12 months.
- 2.5** Each constituent council may send a substitute member to meetings, as notified to the Secretary to the Panel, and this substitute member will be permitted to act as a substitute member with full voting rights at meetings of the Panel and any Task Groups appointed by the Panel. A substitute member must be from the same party as the member appointed by the constituent council. If the panel member is an independent councillor then any substitute must also be an independent councillor.

Independent Members

- 3.1** The Panel has previously agreed to co-opt two independent members onto the Panel for a term of four years.
- 3.2** The lead authority will undertake the appointment process on behalf of the Panel for co-opting independent members which will include a reasonable

period of public advertisement for the positions. The closing date for the receipt of applications will not be less than two weeks from the date the advertisement is first placed.

- 3.3 Information packs will be prepared and sent to those requesting application forms.
- 3.4 The Panel will determine and agree its Selection Panel in accordance with the “balance appointment objective”.
- 3.5 Following the interviews, the five members will make recommendations to the Panel about the appointments.
- 3.6 The Selection Panel may recommend appointment of additional Independent co-opted members to the Panel who may act as substitutes at meetings in the event of the absence of one or both of the term appointed (see 3.1 above) independent members of the Panel”.

4. Vacancies

- 4.1 A vacancy on the panel arises when a county councillor, a district councillor or an independent member ceases to be a member of the Panel for any reason.
- 4.2 Each council will fill vacancies for elected members in accordance with the arrangements in their constitution. Vacancies for independent members will be filled in accordance with the selection process outlined in section 3.

5. Removal of, or resignation of, appointed and co-opted Members

- 5.1 Co-opted members will cease membership of the Lancashire Police & Crime Panel after a maximum of 8 years (2 x 4 year terms).
- 5.2 Any co-opted member who fails to attend three consecutive meet of the Lancashire Police & Crime Panel shall cease to be a member unless the failure was due to some reason approved by the Lancashire Police & Crime Panel.
- 5.3 A person may resign as a co-opted member of the Lancashire Police & Crime Panel by written notice served on the Secretary and the resignation shall take effect on the date specified in the notice.
- 5.4 Where a co-opted member ceases to be a member for any reason, the Lancashire Police & Crime Panel shall appoint a replacement for a term of 4 years.

6. Conditions for reappointment of members

- 6.1 Councillors may serve more than one 12 month term.
- 6.2 Co-opted members may be eligible to apply for a subsequent four year term but may not serve more than two consecutive four year terms.

7. Costs of the Panel

7.1 The costs of the Panel will be borne by the constituent councils. The Home Office has agreed to provide funding for administrative costs.

7.2 Subject to Grant Funding being received the following single annual payments (based on 4 ordinary meetings per year) are payable:

- The Chair of the Panel £600.00
- The Vice Chair of the Panel £480.00
- Task and Finish Group Lead £400.00
- Task and Finish Group Members £300.00

These payments also cover expenses and are subject to regular attendance at all meetings. The other members of the Panel can claim expenses for attendance at the panel as and when they arise on proof of expenditure.

7.3 The lead authority will have responsibility for the financial arrangements to support the operation of the Panel, including the receipt of funds (whether paid by the Home secretary or otherwise) and the making of payments between the constituent councils and to panel members.

Lancashire Police and Crime Panel Operational Procedure Rules

1. Chairman of the Police and Crime Panel

- 1.1** The Chairman of the Panel will be appointed by the Panel at its Annual meeting each year and will be drawn from amongst the councillors sitting on the Panel.
- 1.2** The Deputy Chairman will be appointed by the Panel at its Annual meeting each year and will be drawn from amongst the councillors sitting on the Panel.
- 1.3** In the event of the resignation of the Chairman or Deputy Chairman or the removal of the Chairman/Deputy Chairman, a new Chairman/Deputy Chairman will be appointed at the next meeting and will be drawn from amongst the councillors sitting on the Panel.
- 1.4** The Panel will elect a councillor member to preside at a meeting if the Chairman and Deputy Chairman are not present.
- 1.5** The Panel may consider the removal of the Chairman during the year if it is satisfied that he/she:
 - a) has, without reasonable excuse, failed to carry out the duties for a continuous period of six months;
 - b) has acted improperly, recklessly or negligently in relation to his/her duties;
 - c) is otherwise unable or unfit to perform his/her duties;
 - d) or that the circumstances are such that they are exceptional and would warrant the removal of the chair eg. a conviction or caution in respect of a relevant criminal offence.

2. Meetings of the Police and Crime Panel

- 2.1** There shall be a minimum of four ordinary meetings of the Panel held in public in each municipal year to carry out the functions of the Panel. The Panel will determine the schedule of dates and times of its ordinary meetings each year including a date for its Annual Meeting.
- 2.2** Extraordinary meetings of the Panel may also be called from time to time by the Chairman or by four members of the Panel giving notice to the Secretary to the Panel.
- 2.3** An extraordinary meeting may also be called by the Secretary to the Panel if he/she considers that to be necessary.
- 2.4** Ordinary meetings of the Panel will:

- (i) receive any declarations of interest from members
- (ii) approve the minutes of the last meeting
- (iii) consider reports from officers and panel members

2.5 The Secretary to the Panel will give notice to the public of the time and place of any meeting in accordance with Access to Information requirements. At least five clear working days before a meeting, the Secretary shall send notice of the meeting to every Panel member. The notice shall give the date, time and place of each meeting and specify the business to be transacted, and shall be accompanied by such reports as are available.

2.6 The publication of reports or recommendations is subject to the exclusion of any exempt or confidential information as defined in the rules on access to information in the Local Government Act 1972 (as amended).

3. Quorum

3.1 A meeting of the Panel cannot take place unless not less than one third of the whole number of its members is present.

3.2 In the event of a meeting being inquorate, it shall stand temporarily adjourned for 15 minutes and if, thereafter, there is still not a quorum the meeting shall stand finally adjourned. At the point of adjournment, or subsequently, the Chairman may agree arrangements for the meeting to be reconvened.

4. Work Programme

4.1 The Panel will set its own work programme and, in doing so, may wish to take into account the priorities defined by the Commissioner and the wishes of its members.

4.2 The work programme must include the functions described in the terms of reference for the Panel.

5. Agenda Items

5.1 Any member of the Panel shall be entitled to give notice to the Secretary of the Panel that he or she wishes an item relevant to the functions of the Panel to be included on the agenda for the next available meeting.

6. Reports from Police and Crime Panel

6.1 Where the Panel makes a report to the Commissioner on the discharge of its functions, it must choose to publish the report or recommendations .

6.2 The Panel must by notice in writing require the Commissioner, as appropriate, within one month of the date on which the Commissioner receives the report or recommendations to:

- a) Consider the report or recommendations;

- b) Respond to the Panel indicating what (if any) action the Commissioner proposes to take;
- c) Where the Panel has published the report or recommendations, publish the response;
- d) Where the Panel has provided a copy of the report; or recommendations to a member, provide a copy of the response to the member.

6.3 If the Panel cannot unanimously agree on the terms of any report to the Commissioner then a report agreed by the majority of the Panel will be submitted for consideration together with a separate report prepared by the minority.

7. Police and Crime Commissioner and Officers Giving Account

7.1 The Panel may scrutinise and review decisions made or actions taken in connection with the Commissioner's role.

As well as reviewing documentation, in fulfilling its scrutiny role it may require the Commissioner, and members of the Commissioner's staff, to attend before the Panel (at reasonable notice) to answer any questions which appear to the Panel to be necessary in order to carry out its functions.

7.2 Where the Commissioner, or a member of the Commissioner's staff, is required to attend the Panel under this provision the Secretary will inform them in writing giving, where practicable, reasonable notice of the meeting. The notice will state the nature of the item on which he or she is required to attend to give account and whether any papers are required for production for the Panel. Where it is necessary to produce a report, sufficient time will be given to allow preparation of that report.

7.3 Where, in exceptional circumstances, the Commissioner is unable to attend on the required date, then an alternative date for attendance may be arranged following consultation with the chairman of the Panel.

7.4 If the Panel require the Commissioner to attend before the Panel, the Panel may (at reasonable notice) request the Chief Constable to attend on the same occasion to answer any questions which appear to the Panel to be necessary in order for it to carry out its functions.

8. Attendance by Others

8.1 The Panel may invite people other than those referred to in Paragraph 7 above to address it, discuss issues of local concern and/or answer questions. It may, for example, wish to hear from residents, stakeholders, councillors who are not members of the Panel and officers in other parts of the public sector.

9. Sub Committees and Task Groups

- 9.1** Time limited task groups may be established from time to time by the Police and Crime Panel to undertake specific, task-based work.
- 9.2** Task groups may not co-opt other persons.
- 9.3** The special functions of the Panel specified in paragraph 9.4 below may not be discharged by a task group of the Panel.
- 9.4** In this paragraph 'special functions' means the functions conferred on the Panel by:
- a) Section 28(3) of Police Reform and Social Responsibility Act (the Act) (scrutiny of Police and Crime Plan).
 - b) Section 28 (4) of the Act (scrutiny of annual report).
 - c) Paragraphs 10 and 11 of Schedule 1 of the Act (review of senior appointments).
 - d) Schedule 5 of the Act (issuing precepts) Part 1 of Schedule 8 of the Act (scrutiny of appointment of the Chief Constable).
- 9.5** The work undertaken by a task group will be scoped and defined by the Panel beforehand, together with the timeframe within which the work is to be completed and the reporting time for the outcome of the work.

10 Carrying out 'Special Functions'

Reports and recommendations made in relation to the functions outlined in the terms of reference will be carried out in accordance with the procedure outlined at section 7 above.

10.1 Senior appointments

- 10.1.1** Where the Panel exercises its powers to review the Commissioner's proposed appointments of Chief Constable, Chief Executive, Chief Finance Officer and Deputy Police and Crime Commissioner, the meetings held to confirm these appointments must be held in public.
- 10.1.2** The Panel will be notified by the Commissioner of the need for a confirmatory hearing in respect of proposed senior appointments. This will be held at the next available meeting of the Panel unless the appointment timescale requires an earlier hearing, in which case an extraordinary meeting will be arranged.
- 10.1.3** In relation to the appointment of the Chief Constable, the Panel is required to hold a hearing within the period of three weeks from the day on which it receives notification from the Commissioner.

- 10.1.4** At a confirmatory hearing the candidate is requested to appear for the purpose of answering questions relating to the appointment. Following this hearing, the Panel is required to review the proposed appointment and make a report to the Commissioner.
- 10.1.5** For a confirmatory hearing for the proposed appointment of the Chief Constable, in addition to the requirement to review and report, the Panel must make a recommendation on the appointment and has the power to veto the appointment.
- 10.1.6** Having considered the appointment, the Panel will be asked to either:
- a) support the appointment without qualification or comment;
 - b) support the appointment with associated recommendations, or
 - c) veto the appointment of the Chief Constable (by the required majority of at least two thirds of the persons who are members of the Panel at the time when the decision is made).
- 10.1.7** If the Panel vetoes the appointment of the candidate, the report to the Commissioner must include a statement that the Panel has vetoed the appointment with reasons.

10.2 Appointment of an Acting Police and Crime Commissioner

- 10.2.1** The Panel must appoint a person to act as Commissioner if:
- a) no person holds the office of Commissioner;
 - b) the Commissioner is incapacitated; or
 - c) the Commissioner is suspended.
- 10.2.2** The person appointed as acting Commissioner must at the time of the appointment be a member of the Commissioner's staff.
- 10.2.3** In appointing a person as acting Commissioner in a case where the Commissioner is incapacitated, the Panel must have regard to any representations made by the Commissioner in relation to the appointment.
- 10.2.4** The appointment of an acting Commissioner ceases to have effect upon the occurrence of the earliest of these events:
- a) the election of a person as Commissioner;
 - b) the termination by the Panel, or by the acting Commissioner, of the appointment of the acting Commissioner;

- c) in a case where the acting Commissioner is appointed because the Commissioner is incapacitated, the Commissioner ceasing to be incapacitated, or
- d) in a case where the acting Commissioner is appointed because the Commissioner is suspended, the Commissioner ceasing to be suspended.

10.3 Proposed precept

10.3.1 The Commissioner will notify the Panel of the precept which he/she is proposing to issue for the financial year. The Panel must review the proposed precept and make a report to the Commissioner including recommendations.

10.3.2 Having considered the precept, the Panel will either:

- a) support the precept without qualification or comment;
- b) support the precept and make recommendations, or
- c) veto the proposed precept (by the required majority of at least two thirds of the persons who are members of the Panel at the time when the decision is made).

10.3.3 If the Panel vetoes the proposed precept the report to the Commissioner must include a statement that the Panel has vetoed the proposed precept with reason and the Panel will require a response to the report and any such recommendations.

10.4 Complaints

10.4.1 Non-criminal complaints in relation to the Commissioner or other office holders should be dealt with and/or delegated in accordance with the Act and the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012.

10.5 Suspension of the Police and Crime Commissioner

10.5.1 The Panel may suspend the Commissioner if it appears to the Panel that:

- a) the Commissioner has been charged in the United Kingdom, the Channel Islands or the Isle of Man with an offence, and
- b) the offence is one which carries a maximum term of imprisonment exceeding two years.

10.5.2 The suspension of the Commissioner ceases to have effect upon the occurrence of the earliest of these events:

- a) the charge being dropped;

- b) the Commissioner being acquitted of the offence;
- c) the Commissioner being convicted of the offence but not being disqualified under Section 66 of the Act by virtue of the conviction; or
- d) the termination of the suspension by the Panel.

10.5.3 In this section references to an offence which carries a maximum term of imprisonment exceeding two years are references to:

- a) an offence which carries such a maximum term in the case of a person who has attained the age of 18 years, or
- b) an offence for which, in the case of such a person, the sentence is fixed by law as life imprisonment.

10.6 Suspension and Removal of the Chief Constable

10.6.1 The Panel will receive notification from the Commissioner if he/she suspends the Chief Constable.

10.6.2 The Commissioner must notify the Panel in writing of his/her proposal to call upon the Chief Constable to retire or resign together with a copy of the reasons given to the Chief Constable in relation to that proposal.

10.6.3 The Commissioner must provide the Panel with a copy of any representations from the Chief Constable about the proposal to call for his/her resignation or retirement.

10.6.4 If the Commissioner is still proposing to call upon the Chief Constable to resign, he/she must notify the panel accordingly (the 'further notification').

10.6.5 Within six weeks from the date of receiving the further notification the Panel must make a recommendation in writing to the Commissioner as to whether or not he/she should call for the retirement or resignation. Before making any recommendation the Panel may consult Her Majesty's Chief Inspector of Constabulary and must hold a scrutiny hearing.

10.6.6 The scrutiny hearing is a Panel meeting held in private to which the Commissioner and Chief Constable are entitled to attend to make representations in relation to the proposal to call upon the Chief Constable to retire or resign. Appearance at the scrutiny hearing can be by attending in person, or participating by telephone or video link.

10.6.7 The Panel must publish the recommendation it makes at 10.6.5 by any means the Panel considers appropriate and must send a copy to each of the constituent councils.

11. Rules of debate

The Panel has adopted the County Councils Standing Orders insofar as they relate to the rules of debate at Committees.

12. Public participation

The procedure for public questions was agreed by the Panel at their meeting on 15th October 2013 and full details are set out on the Police and Crime Panel Website <https://www.blackburn.gov.uk/about-council/police-and-crime-panel-lancashire/police-and-crime-panel-procedure-public-questions> and via the Secretary to the Panel.

At the Full Council meeting held on 7 December 2017 members agreed that the Leader of the Council be authorised, in his role as ‘member’ of the Blackpool, Fylde and Wyre Economic Development Company Limited (Company No: 05001989) (EDC), to dissolve the aforementioned company. Therefore, it was agreed by Cabinet that a Blackpool, Fylde and Wyre Economic Prosperity Board (EPB) in the form of a Joint Committee be established and the Procedure Rules for that Board be approved.

The Blackpool, Fylde and Wyre Economic Prosperity Board Procedure Rules

1. Purpose

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

2. Governance

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

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

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

3. Remit

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

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

4. Membership

- 4.1** Membership will consist of one member from each constituent authority. Such member to be the Leader of the Council or other executive member, in an authority operating executive arrangements (or Leader of the Council or committee chairman, or vice chairman from a council operating committee system arrangements) and for the purposes of these procedure rules, this member will be known as the 'principal member'.

- 4.2** Each principal member to have a named substitute member who must be an executive member where the authority operates executive arrangements. Where governance in a constituent authority is by a committee system form of governance, that substitute member shall be as per that authority's rules

of substitution. All constituent authorities must provide no less than twenty four hours' notice to the Secretary where a substitute member will be attending in place of the principal member. Regardless of any such notification, where both the principal member and the substitute member attends a meeting of the EPB, the principal member shall be deemed as representing their authority.

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

5. Quorum

- 5.1** The quorum shall be two constituent authority members and one co-opted member with a requirement that each of the three authority areas be represented (either an authority member or co-opted member from each constituent area must be present). Should the constituent authorities change in number the quorum will be increased to reflect the change, the precise arrangements to be determined by agreement. No business will be transacted at a meeting unless a quorum exists at the beginning of a meeting. If at the beginning of any meeting, the Chairman or Secretary after counting the members present declares that a quorum is not present, the meeting shall stand adjourned.

6. Chairman and Vice Chairman

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

7. Voting

- 7.1** The EPB's decision making will operate on the basis of mutual co-operation and consent and will take into account the views of the co-opted members. It is expected that decisions will be taken on a consensual basis wherever possible. Where a formal vote is required it shall be one vote for each constituent authority, made by the principal member, or in their absence, their nominated substitute. Co-opted members are not permitted to have a vote.
- 7.2** All questions shall be decided by a majority of the votes of the members present, the Chairman having the casting vote in addition to his/her vote as a member of the Committee. Voting at meetings shall be by show of hands.
- 7.3** Where immediately after a vote is taken at a meeting, if any member so requests, there shall be recorded in the minutes of the proceedings of that meeting whether each person cast his/ her vote for or against the matter or whether he/ she abstained from voting.

8. Hosting, Administration and Lead Authority

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

members, or co-opted members representing that area.

- 8.2** A 'Lead Authority' will be appointed by a formal decision of the EPB to deliver the economic development functions delegated to the Board. This Lead Authority, may be the same as the Host Authority, or may be another constituent authority.
- 8.3** The functions of the Secretary shall be:
- a) to maintain a record of membership of the EPB and any sub-committees or advisory groups appointed;
 - b) to summon meetings of the EPB or any sub-committees or advisory groups;
 - c) to prepare and send out the agenda for meetings of the EPB or any subcommittees or advisory groups; in consultation with the Chairman and the Vice Chairman of the Board (or sub-committee/ advisory group);
 - d) to keep a record of the proceedings of the EPB or any sub-committees or advisory groups, including those in attendance, declarations of interests and to publish the minutes;
 - e) to take such administrative action as may be necessary to give effect to decisions of the EPB or any sub-committees or advisory groups, and;
 - f) to perform such other functions as may be determined by the EPB from time to time.

9. Meetings

- 9.1** The EPB will meet no less than quarterly, unless the EPB formally decides otherwise.
- 9.2** Meetings will be held at such times, dates and places as may be notified to the members of the EPB by the Secretary, being such time, place and location as the EPB shall from time to time resolve. Meeting papers will be circulated five clear working days in advance of any meeting.
- 9.3** The Chairman may choose to accept or reject urgent items that are circulated in a shorter timescale or tabled at any meeting. Any such urgent items will be by reason of 'special circumstances' and will be specified in the minutes, as to the reason the Chairman is of the opinion that the item should be considered as a matter of urgency.
- 9.4** 'Special circumstances' justifying an item being considered as a matter of urgency will relate to both why the decision could not be made at a meeting allowing proper time for inspection by the public as well as why the item or report could not have been available five clear days before the meeting.
- 9.5** Additional ad hoc meetings may be called by the Secretary, after consultation, where practicable, with the Chairman and Vice Chairman of the Committee (if one is appointed), in response to receipt of a request in writing, which request sets out an urgent item of business within the functions of the EPB, addressed to the Secretary:
- a) from and signed by two members of the EPB, or

b) from the Chief Executive of any of the constituent authorities.

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

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

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

10. Access to information

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

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

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

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

11. Attendance at meetings

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

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

12. Order of Business

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

- i. Apologies for absence

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

12.2 The person presiding at the meeting may vary the order of business at the meeting.

13. Codes of Conduct and Disclosable Pecuniary Interests

13.1 Principal members of the EPB (and their substitute members) are governed by the provisions of their own Council's Codes and Protocols including the code of conduct for members and the rules on Disclosable Pecuniary Interests. Co-opted members are governed by the code of conduct for members of the 'Lead Authority'.

14. Minutes

14.1 There will be no discussion or motion made in respect of the minutes, except as to their accuracy. If no such question is raised or if it is raised then as soon as it has been disposed of, the Chairman shall sign the minutes.

15. Role of the Chairman

15.1 A Member wishing to speak shall address the Chairman and direct their comments to the question being discussed. The Chairman shall decide the order in which to take representations from members wishing to speak and shall decide all questions of order. His/her ruling upon all such questions or upon matters arising in debate shall be final and shall not be open to discussion.

15.2 The Chairman shall have the discretion to regulate the behaviour of all individuals present at the meeting in the interests of the efficient conduct of the meeting, including excluding members of the press and public in the event of a disturbance.

16. Motions/amendments

16.1 A motion or amendment shall not be discussed unless it has been proposed and seconded.

When a motion is under debate no other motion shall be moved except the following:

- i. To amend the motion
- ii. To adjourn the meeting
- iii. To adjourn the debate or consideration of the item
- iv. To proceed to the next business
- v. That the question now be put
- vi. That a member be not further heard or do leave the meeting

vii. To exclude the press and public under Section 100A of the Local Government Act 1972.

17. Applications to Sub-Committees

17.1 These procedure rules shall apply to meetings of any sub-committees of the EPB.

18. Scrutiny of decisions

18.1 Decisions of the EPB which relate to the executive functions of a constituent authority will be subject to scrutiny and 'call-in' arrangements (or any other arrangements equivalent to 'call-in' that any constituent authority operating a committee system, may have). This would only apply where the decision is one which could have been made locally by that constituent Authority acting alone. No decision in this circumstance shall be implemented until the call-in period has either expired or if 'called-in' the matter concluded, in accordance with the call-in procedures of the relevant constituent Authority.

19. Winding up of the EPB

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

20. Amendment of these Procedure Rules

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

Council Procedure Rules

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Note: All of these Council procedure rules apply to meetings of the Council. None of the rules apply to meetings of the Executive. Only Rules 4-7, 15, 16, 18, 19.1, 21, 22.3, 22.4, 22.5 and 23 apply to meetings of Committees and Sub-Committees and have been marked with an *

1. Annual Meeting of the Council

1.1 Timing and Business

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

The Annual Meeting will:

- (i) elect a Councillor to preside if the Mayor is not present;
- (ii) elect the Mayor;
- (iii) elect the Deputy Mayor;
- (iv) approve the Minutes of the last meeting;
- (v) receive any announcements from the Mayor and/or the Chief Executive;
- (vi) in an election year, elect the Leader;
- (vii) note the decision of the Leader as to the number of members of the Executive; who he or she has appointed to those roles; the scope of their respective portfolios and the terms of delegation to them and officers (see also Part 4.04/1 – paragraph 1.2).
- (viii) appoint at least one Overview and Scrutiny Committee, and such other 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 Part 3 of this Constitution);
- (ix) consider any proposed changes to the Council's scheme of delegation
- (x) consider any business set out in the notice convening the meeting.

1.2 Selection of Councillors on Committees and Outside Bodies

At the Annual Meeting, the Council meeting will:

- (i) decide which Committees to establish for the Municipal Year;
- (ii) decide the size and terms of reference for those Committees;
- (iii) decide the allocation of seats to political groups in accordance with the political balance rules;
- (iv) receive nominations of Councillors to serve on each Committee and outside body; and

- (v) at the Annual Council Meeting following each Wyre Council election appoint to those outside bodies, except where appointment to those bodies has been delegated by the Council or are Executive appointments.

2. Ordinary Meetings

Ordinary meetings of the Council will take place in accordance with a programme published by the Chief Executive following discussion with Group Leaders (the Chief Executive will take into consideration comments from Group Leaders but the Chief Executive has the ultimate responsibility for determining the programme of Ordinary meetings) which will:

- (i) elect a Councillor to preside if neither the Mayor or the Deputy Mayor are present;
- (ii) Confirm the Minutes of the last meeting. Only Members who were present at the last meeting are eligible to vote. Any debate on the Minutes must be limited to matters of fact not interpretation;
- (iii) receive any declarations of interest from Members;
- (iv) receive any announcements from the Mayor, Leader, Members of the Cabinet, a Chairman of a Committee or the Chief Executive;
- (v) receive questions and/or statements from, and provide answers to, members of the public;
- (vi) receive a petition (if the requirements of the Petitions Scheme in Part 5.08 of the Constitution have been met);
- (vii) deal with any business adjourned from the last Council meeting;
- (viii) receive written questions “on-notice” from Councillors and hear responses from the Portfolio Holders to whom they are addressed;
- (ix) consider items for decision by the Council, including any recommendations from the Cabinet or Portfolio Holders that involve changes to the budget, or Policy Framework or officer reports on procedural issues, or relating to Council functions listed in Part 3 of the Constitution;
- (x) receive Executive Reports from the Leader and each Portfolio Holder and deal with questions and answers on any of those reports;
- (xi) receive periodic reports from Chairmen of Committees and deal with questions and answers on those reports. The periodic reports must contain the attendance record of each member of the committee for that period;
- (xii) consider any Notices of Motion;
- (xiii) consider any other business specified in the summons to the meeting.

3. Extraordinary Meetings

3.1 Calling Extraordinary Meetings

Those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings:

- (i) the Council by resolution;
- (ii) the Mayor;
- (iii) any five Members of the Council if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

3.2 Business

Only the business specified in the summons may be transacted at an extraordinary meeting.

***4. Time and Place of Meetings**

The time and place of meetings will be determined by the Chief Executive and notified in the summons.

***5. Notice of and Summons to Meetings**

The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear working days before a meeting, the Chief Executive will send a summons, signed by him or her, to every Member of the Council to their council e-mail address, by post and or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

5.1. Apologies for absence

Any member unable to attend a meeting must send their apologies and the reason for their absence by e-mail to democratic.services@wyre.gov.uk as soon as practicably possible and not less than 24 hours before the start time of the meeting as stated on the summons or notice. Where there are exceptional circumstances preventing compliance with this rule, members must contact Democratic Services and / or the relevant Chair of the meeting as soon as practicably possible to give their apologies and the reason for them. It is also considered good practice to advise the Leader of their group accordingly.

When a member complies with the requirements of this rule, they shall be recorded in the minutes as having tendered their apologies. Whether exceptional circumstances apply shall be at the absolute discretion of the Chair of the meeting who is to take the reasonable advice of the relevant officer in attendance.

When a member fails to comply with this rule or it is considered that a member did not have exceptional circumstances for not doing so, they shall be recorded as having failed to attend or tender their apologies for absence.

***6. Chairing a Meeting**

The person presiding at the meeting may exercise any power or duty of the Mayor. Where these rules apply to Committee and Sub-Committee meetings, references to the Mayor also include the Chairman of a Committees or a Sub-Committee.

***7. Quorum**

The quorum of a meeting will be one quarter of the whole number of Members (13 for full Council meetings). The quorum for the Employment and Appeals Committee meeting shall be 3.

During any meeting, if the Mayor counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

8. Duration of Meeting

Unless the majority of Members present vote for the meeting to continue, any meeting that has lasted for 4 hours will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor or person presiding. If he/she does not fix a date (at the conclusion of the adjourned meeting or subsequently), the remaining business will be considered at the next ordinary meeting.

9. Questions and Statements by Members of the Public

9.1 General

Members of the public who live in the Borough may ask questions of Members of the Cabinet or make representations in the form of a statement or present a petition about any issue affecting the Borough at ordinary meetings of the Council. The period of time allocated for such questions and statements shall not normally exceed 30 minutes. No person may speak for longer than 5 minutes.

9.2 Order of Questions, Statements and Petitions

Questions will be asked, statements will be made and petitions presented in the order notice of them was received, except that the Mayor or person presiding may group together similar questions or statements, on issues which relate to the same topic.

9.3 Notice of Questions and Statements

A question may only be asked, or a statement be made, if notice has been given by delivering the question or statement in writing or by electronic mail

to the Chief Executive no later than 12 noon two calendar days prior to the day of agenda publication. (The day of agenda publication will be 5 clear working days, usually 7 calendar days, prior to the date of the meeting.) Each question must give the name and address of the questioner and name the Member of the Cabinet to whom it is put.

9.4 Supplementary Questions

Any questioner who has asked a question in person may ask one supplementary question, without notice, to the Cabinet Member who answered the original question. The supplementary question must arise directly from the original question or the reply given. The Mayor may reject a supplementary question if it does not arise directly from the original question or the reply given.

Unless the Mayor agrees otherwise, a member of the public making a statement will not be permitted to comment further following a response from the Leader or a Portfolio Holder.

9.5 Scope of Questions and Representations

The Chief Executive may reject a question or refuse to allow a statement if it:

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

9.6 Circulation of Questions

Copies of all valid questions will be published on the Council agenda.

9.7 Asking the Question at the Meeting

If a questioner is not present at the Council meeting the Mayor will request that a written response from the relevant Portfolio holder be sent to the questioner and the contents of the response will be recorded in the minutes.

If a questioner is present, the Mayor will either invite them to read their question or, if it has been published and copies have been circulated to all those present, she/he may ask Council to agree that it be taken as read and ask the relevant Portfolio Holder to respond.

9.8 Written Answers

Any question which cannot be dealt with during public question time, either because of lack of time or any other reason, will be dealt with by a written answer.

9.9 Reference of a Question or a Statement to the Cabinet or a Committee

No discussion will take place on any question or statement, but any Member may move that a matter raised by a question or statement be referred either to the Cabinet or to the appropriate Committee or Sub-Committee. Once seconded, such a motion will be voted on without discussion.

9.10 Responses to Questions and Statements

A summary of the response made to each question asked or statement made by a member of the public will be included in the Minutes and a copy will be sent to the questioner.

10. Presentation of Petitions

10.1 If the criteria set out in the Petitions Scheme in Part 5.08 of the Constitution have been met, the organiser of a petition (or their representative) will be invited by the Mayor to present their petition to the Leader of the Council. The petition organiser (or their representative) will then be able to ask a question to the Leader of the Council or the relevant Portfolio Holder about the topic of the petition. They will have up to 5 minutes to do so.

10.2 The Mayor will invite the Leader of the Council, or the relevant Portfolio Holder to respond. They will have up to 5 minutes to do so.

10.3 There will be no opportunity for a supplementary question or a general discussion or debate on the topic of the petition.

11. Executive Member Reports**11.1** Content of Reports

At each ordinary meeting of the Council, the Leader and each Portfolio Holder will present a report to the Council. These reports will cover recent activities, current and forthcoming issues within their respective remits, achievements and progress on key objectives.

11.2 Presentation of Reports

The Leader and each Portfolio Holder will each have a maximum of three minutes to present their report to Council.

11.3 Questions and Comments on Executive Reports

Any Non-Executive Member of Council may ask a question or make a comment to the Leader or the relevant Portfolio Holder on the contents of

their report or on any issue which falls within their area of responsibility. A maximum of ten minutes will be allocated for questions or comments to and responses by each Member of the Executive (Cabinet). At the end of these proceedings a further ten minutes in total will be allowed for the Executive Members to ask a question or make a comment on their respective fellow Executive Members reports/areas of responsibility.

11.4 Time Limit for Questions and Comments

There shall be no limit on the number of questions or comments from each Councillor, although there will be a maximum of three minutes per question or comment. (The Mayor will seek to ensure that as many different Members as possible are able to ask a question or make a comment within the time allocated).

11.5 Responses to Questions and Comments

After each question or comment, the Leader or Portfolio Holder will respond. He or she will have a maximum of three minutes to do so.

Responses 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;
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner;
- (d) a request that a Member of the Corporate Management Team or the relevant officer, answer the question, or part of the question, provided that it is non-political in nature (e.g. requiring specialist, technical or expert knowledge or the provision of professional or legal advice).

The Mayor will decide whether or not a question, or part of a question, is "political".

In the absence of a Portfolio Holder the Leader will respond or nominate another Portfolio Holder to respond.

12. Written Questions "On-Notice" By Councillors

12.1 Questions on Notice at Council

Subject to Rule 12.2 a Member of the Council may ask:

- the Mayor;
- a Member of the Cabinet;
- the Chairman of any Committee or Sub-Committee

a question on any matter in relation to which the Council has powers or duties, or which affects the area.

12.2 Notice of Questions

A Member may only ask a question under Rule 12.1 if either:

- (a) they have delivered the question in writing or by e-mail to the Chief Executive not later than 12 noon two calendar days prior to the day of agenda publication. (The day of agenda publication will be 5 clear working days, usually 7 calendar days, prior to the date of the meeting.)
- (b) the question relates to urgent matters, they have the consent of the Mayor to whom the question is to be put and the content of the question is given to the Chief Executive by 10.30 a.m. on the day of the meeting. Urgent matters will be those that could not have been anticipated by the deadline for questions set out in 12.2 (a) above and/or they cannot await the next meeting of the Council.

12.3 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;
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner;
- (d) a request that a Member of the Corporate Management Team or the relevant officer answer the question, or part of the question, provided that it is non-political in nature (e.g. requiring specialist, technical or expert knowledge or the provision of professional or legal advice).
The Mayor will decide whether or not a question or part of a question, is "political"

12.4 Supplementary Question

A Member asking a question under Rule 12.1 may ask one supplementary question without notice of the Cabinet Member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply.

13. Reports from Chairmen of the Overview & Scrutiny, Audit and Standards, Licensing, Planning Committees

13.1 Frequency of Reports

The Chairman of the Overview and Scrutiny, Audit and Standards, Licensing and Planning Committees as well as the Chairman of the Planning Policy Group will each submit a report to an Ordinary Council meeting at least once in a municipal year. The sequence of reporting will be agreed by the Chief Executive.

13.2 Content of Reports

The reports will cover topical issues, achievements since the previous report, any significant issues expected to be dealt with prior to the next report or, the Committee's work generally and must comply with rule 2(xi).

13.3 Presentation of Reports

The Chairman of the reporting Committee will have a maximum of three minutes to present his or her report.

13.4 Questions and Comments

Any Member of Council may ask a question or make a comment to the Chairman of the reporting Committee on the contents of his or her report or on any issue which falls within their area of responsibility. A maximum of 10 minutes will be allocated for questions to and responses by the Chairman of the Committee submitting a report.

13.5 Time Limit for Questions and Comments

There will be no limit on the number of questions or comments from each Councillor, although there will be a maximum of three minutes per question or comment. (The Mayor will seek to ensure that as many different Members as possible are able to ask a question or make a comment within the time allocated).

13.6 Responses to Questions and Comments

After each question or comment the Chairman will respond. He or she will have three minutes to do so.

Responses 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;
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner;
- (d) a request that a Member of the Corporate Management Team or the relevant officer, answer the question, or part of the question, provided that it is non-political in nature (e.g. requiring specialist, technical or expert knowledge or the provision of professional or legal advice).

In the absence of the Chairman, the Deputy Chairman will respond.

14. Motions On Notice**14.1 Notice**

Except for motions which can be moved without notice under Rule 15 written notice of every motion, signed by at least 4 Members, must be delivered to the Chief Executive not later than 12 noon two calendar days prior to the day of agenda publication. (The day of agenda publication will be 5 clear working days, usually 7 calendar days, prior to the date of the meeting.)

14.2 Motions Set Out on the Agenda

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

14.3 Scope

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

The Proper Officer may reject a motion if it:

- (i) is not about a matter for which the Borough Council has a responsibility or is not about a matter of regional or national policy which affects the Borough disproportionately;
 - (ii) is defamatory, frivolous or offensive and in the case of the latter, which names, or clearly identifies a member of staff or other individual;
 - (iii) is substantially the same as a motion which has been put at a meeting of the Council in the past six months;
 - (iv) requires the disclosure of confidential or exempt information;
- or
- (v) is either unlawful or incapable of having practical effect.

Such Motions submitted will be dealt with by the Proper Officer and the proposer of the Motion will be given advice accordingly in line with this criteria.

***15. Motions without Notice**

The following motions may be moved without notice:

- (a) to appoint a Chairman of the meeting at which the motion is moved;
- (b) in relation to the factual accuracy of the Minutes;

- (c) to change the order of business in the Agenda;
- (d) to refer an issue 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 the adoption of recommendations of Committees or Officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put (provided that a minimum period of 20 minutes has elapsed or at least two Members have spoken in favour of the motion and at least two Members spoken against the motion);
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) that the meeting continue beyond 4 hours in duration;
- (n) to suspend a particular Council Procedure Rule;
- (o) to exclude the public and press in accordance with the Access to Information Rules;
- (p) to not hear further a Member named under Rule 22.3 or to exclude them from the meeting under Rule 22.4;
- (q) to give the consent of the Council where its consent is required by this Constitution; and
- (r) suspend time limit on speeches.

***16. Rules of Debate**

*** 16.1 No Speeches Until Motion is Moved and Seconded**

If a motion set out in the agenda is not moved and seconded, either by a councillor who gave the notice or by some other councillor, it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be considered again without fresh notice.

*** 16.2 Right to Require Motion in Writing**

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

* **16.3** Seconders' Speech

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

* **16.4** Content and Length of Speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed 5 minutes without the consent of the Mayor.

* **16.5** When a Member May Speak Again

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

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

* **16.6** Amendments to Motions

- (a) An amendment to a motion must be relevant to the motion and will either be:
 - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out words and/or insert or add othersas long as the effect of (ii) 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 Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

* **16.7** Alteration of Motion

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

* **16.8** Withdrawal of Motion

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

* **16.9** Right of Reply

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

* **16.10** Motions Which May be Moved During Debate

- (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) that the meeting continue beyond 4 hours in duration;

- (h) to exclude the public and press in accordance with the Access to Information Rules; and
- (i) to not hear further a Member named under Rule 22.3 or to exclude them from the meeting under Rule 22.4.

* **16.11** Closure Motions

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

* **16.12** Point of Order

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

* **16.13** Personal Explanation

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

17. Previous Decisions And Motions**17.1 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 15 Members.

17.2 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 15 Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

18. Voting** 18.1 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.

*** 18.2 Mayor's Casting Vote**

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

*** 18.3 Show of Hands**

Unless a recorded vote is demanded under Rule 18.4, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

*** 18.4 Recorded Vote**

If four Members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the Minutes.

*** 18.5 Recorded votes at budget meetings**

For all decisions at budget meetings of the Council relating to the setting of the Council's budget and the Council Tax, including any proposed amendments, the names of councillors voting for and against a motion or abstaining from voting will be taken down in writing and recorded in the minutes.

(Budget meetings are defined in paragraph 11 of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 as "*a meeting of the Council at which it makes a calculation (whether originally or by way*

of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ of the Local Government Finance Act 1992”).

* **18.6** Right to Require Individual Vote to be Recorded

Where any Member requests it immediately after the vote is taken, their vote will be so recorded in the Minutes to show whether they voted for or against the motion or abstained from voting.

* **18.7** Voting on Appointments

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

***19.** Minutes

* **19.1** Confirming the Previous Minutes

The Mayor will move that the Minutes of the previous meeting be confirmed as a correct record. The only part of the Minutes that can be discussed is their accuracy.

19.2 Form of Minutes

Minutes will be written in a concise style referring only to the documents considered and the decisions taken. A footnote will be included in each set of minutes providing a link to the audio reading of the meeting on the Council's website. Only Members who have attended the meeting can approve or second the accuracy of minutes.

20. 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.

***21.** 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 23 (Disturbance by Public).

22. Members' Conduct

22.1 Standing to Speak

Unless the Mayor indicates otherwise, when a Member speaks at the Council they must stand and address the meeting through the Mayor. If more than one Member stands, the Mayor will ask one to speak and the others must sit. Other Members must remain seated whilst a Member is

speaking unless they wish to make a point of order or a point of personal explanation.

22.2 Mayor Standing

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

* **22.3** Member Not to be Heard Further

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

* **22.4** Member to Leave the Meeting

If the Member continues to behave improperly after such a motion is carried, the Mayor 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.

* **22.5** General Disturbance

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

***23.** Disturbance By Public

* **23.1** Removal of Member of the Public

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

* **23.2** Clearance of Part of Meeting Room

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

24. Suspension and Amendment of Council Procedure Rules

24.1 Suspension

All of these Council Rules of Procedure except Rule 18.6 (Right to Require Individual Vote to be Recorded) and 19.1 (Confirming the Previous Minutes) 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.

24.2 Amendment

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

***26.** Substitution of Members

In exceptional circumstances, where a member is likely to be absent from their duties as a councillor for a period of two months or more a substitute can be nominated. The Chief Executive must have confirmed to Democratic Services no less than 24 hours in advance that exceptional circumstances apply. The members of a Committee or Sub-Committee may propose a motion that the member who is absent be replaced at that meeting and that meeting only by a substitute member provided always that said member is a member of the same political group of the Council as recognised by this constitution and has undergone the necessary training. The replacement member's right to sit on the Committee or Sub-Committee shall terminate at the end of that meeting.

Nothing in this rule prevents the same replacement member sitting as a substitute member for more than one meeting of the same Committee or Sub-Committee provided always that the procedure set out in this rule is followed.

25. Application to Committees and Sub-Committees

All of these Council Procedure Rules apply to meetings of the Council. None of the rules apply to meetings of the Executive. Only Rules 4-8, 15 and 16, 18, 19.1, 21, 22.3, 22.4, 22.5, 23 and 26 apply to meetings of Committees, and Sub-Committees, and are marked with an *.

Access to Information Procedure Rules

1. **Scope**

Unless specifically stated, these Rules apply to all meetings of the full Council, any Committees appointed by the Council, including the Overview and Scrutiny Committee, the Standards Committee, the Audit Committee, the Planning Committee, the Licensing Committee (including licensing hearings but excluding deliberations), the Employment and Appeals Committee and all meetings of the Cabinet (together called 'meetings').

They do not apply to meetings of Task and Finish Groups appointed by the Overview and Scrutiny Committee, or to the Management Board.

2. **Additional Rights to Information**

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

3. **Rights to Attend Meetings**

Members of the public may attend all meetings, subject only to the exceptions in these rules.

4. **Notice of Meeting**

The Council will give at least 28 calendar days notice of Cabinet meetings. (See also paragraph 15 of these Procedure Rules.)

The Council will give at least five clear working days notice of any other meetings.

Details of each meeting will be published on the Council's website and posted at the Civic Centre, Breck Road, Poulton-le-Fylde.

5. **Access to Agendas and Reports before Meetings**

The Council will publish on its website copies of all Agendas to which these Rules apply and all reports open to the public at least five clear working days before the meeting. Copies will also be made available for inspection at the Civic Centre within the same timescale. If an item is added to the Agenda later, the revised Agenda will be published on the website and open to inspection from the time the item is added to the Agenda. Where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to Councillors.

6. Background Papers

6.1 List of Background Papers

Report authors will set out in every report a list of those documents (called “background papers”) relating to the subject matter of the report which in his/her opinion:

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

Published works or those which disclose exempt or confidential information (as defined in Rule 11) are expressly excluded from the definition of Background Papers.

6.2 Inspection and Publication Background Papers

The Council will make available for public inspection and publish on the Council’s website for a minimum period of 4 years from the date of the meeting to which the report is submitted, each of the documents on the list of background papers.

7. Record of decisions made at Meetings

Records of all decisions taken will be published as soon as possible after each meeting. The Council will make available copies of the following for at least six years after a meeting:

- (a) the Minutes of the meeting or records of decisions taken (including reasons for all meetings of the Cabinet) 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.

All these documents are published on the Council’s website.

8. Records of Executive Decisions Taken by individual Members of the Cabinet

A report will be published on the Council’s website and made available for inspection at the Civic Centre at least five clear working days before a decision is to be made by an individual member of the Cabinet setting out the issues to be considered.

As soon as reasonably practicable after such an executive decision has been made by an individual member of the Cabinet, a Decision Notice will be published on the Council's website. The decision notice will include:

- a record of the decision taken;
- the title of the decision maker;
- the date on which the decision was taken;
- a statement of the reasons for the decision;
- any alternative options considered and rejected.
- a record of any conflict of interest relating to the matter decided which is declared by any member who made the decision; and;
- in respect of any declared conflict of interest, a note of any dispensation granted.

This does not require the disclosure of exempt or confidential information.

9. Records of Officer decisions

A record of decisions made by the Council's officers under powers delegated to them by the Cabinet, the Council or any of its Committees to which either the Local Authorities (Executive Regulations) (Meetings and Access to Information) (England) Regulations 2012 or the Openness of Local Government Bodies Regulations 2014 apply will be published as soon as practicable on the Council's website. Copies will be available, on request, for a period of up to six years after the record is made. Copies of any background papers referred to in a record of such a decision made by an officer will be made available, on request, for a period of four years after the record is made.

10. Summary of Public's Rights

A written summary of the public's rights to attend meetings and to inspect and copy documents, as set out in these Procedure Rules, will be kept at and available to the public at the Civic Centre, Breck Road, Poulton-le-Fylde.

11. Exclusion of Access by the Public to Meetings

11.1 Confidential Information - Requirement to Exclude Public

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

11.2 Exempt Information - Discretion to Exclude Public

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

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the 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.

11.3 Meaning of Confidential Information

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

11.4 Meaning of Exempt Information

Exempt information means information falling within the following 7 categories subject to any qualifications set out in Paragraph B below.

A.	Categories
1.	Information relating to any individual.
2.	Information which is likely to reveal the identity of an individual.
3.	Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4.	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5.	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6.	Information which reveals that the authority proposes: <ul style="list-style-type: none"> <li data-bbox="512 1442 1433 1509">a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or <li data-bbox="512 1514 1337 1547">b) to make an order or direction under any enactment.
7.	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

B. Qualifications	
1.	<p>Information relating to the financial or business affairs of any particular person or the Council (category 3) is not exempt if it is required to be registered under:</p> <ul style="list-style-type: none"> a) the Companies Act 1985, as defined in Section 2 of the Companies Act 2006; b) the Friendly Societies Act 1974; c) the Friendly Societies Act 1992; d) the Co-operative and Community Benefit Societies and Credit Union Acts 1965 to 1978; e) the Building Societies Act 1986; or f) the Charities Act 2011.
2.	<p>Information is not exempt information:</p> <ul style="list-style-type: none"> • if it relates to a proposed development for which the Council as local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and County Planning General Regulations 1992.
3.	<p>Information which falls within any of the 7 categories listed above (and is not prevented from being exempt by virtue of the qualifications in paragraphs (1) and (2) above) is exempt information 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.</p>

NOTE: These categories and exemptions are set out in Schedule 12A of the Local Government Act, 1972.

12. Exclusion of Access by the Public to Reports

If the Chief Executive thinks fit, the Council may exclude access by the public and media representatives to reports which in his or her opinion relate to items during which, in accordance with Rule 11, 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.

13. Application of Rules to the Cabinet and Portfolio Holders

Rules 14-22 apply to the Cabinet and its Committees. If the Cabinet or its Committees meet to take a key decision then it must also comply with Rules 1-12 unless Rule 16 (general exception) or Rule 17 (special urgency) apply. A key decision is as defined in Article 16.03 of this Constitution.

14. Procedure Before Taking Key Decisions

Subject to Rule 16 (general exception) and Rule 17 (special urgency), a key decision may not be taken unless notice of the intention to make a decision has been given in the Schedule of Executive Decisions at least 28 calendar days prior to the decision being made.

15. Schedule of Executive Decisions

The “Schedule of Executive Decisions” will contain a list of all known forthcoming key decisions (as defined in Article 16.03 (b) of this Constitution) to be taken by Cabinet or individual Portfolio Holders.

It will also include any items which are likely to involve the consideration of “confidential” or “exempt” information as defined in paragraph 11.4 of these Procedure Rules and for which the public and press are likely to be excluded from the meeting, together with the reasons for their exclusion. Details of how to make representations to request that an item is considered in public will also be made available.

The Schedule of Executive Decisions will be published as the Council’s website, will cover a minimum period of 28 calendar days and will fulfil the required minimum 28 calendar days’ notice of the intention to make a key decision as set out in Rule 14 above. The Schedule will be updated and republished whenever new information becomes available.

Providing that full details are available, the Schedule of Executive Decisions will contain the following information:

- (a) the subject or matter in respect of which a decision is to be made;
- (b) the name and title, if any, of the decision taker (if he/she is an individual), and where the decision taker is a body, its name and details of membership;
- (c) the date on which, or the period within which, it is expected that the decision will be taken.
- (d) Where any matter involves the consideration of exempt information (as defined in paragraph 11.4 above), confidential information (as defined by paragraph 11.3 above) a summary of the matter shall be included in the notice but the exempt or confidential information or the advice, as the case may be, need not be included.

16. General Exception

If a matter which is likely to be a key decision has not been included in the Schedule of Executive Decisions , then, subject to Rule 17 (special urgency), the decision may still be taken if:

- (a) the decision must be taken by such a date that it is impracticable to defer the decision for 28 calendar days ;

- (b) the Chief Executive has informed the Chair of the Overview and Scrutiny Committee, or if there is no such person, each Member of that Committee in writing of the matter on which the decision is to be made, including reasons why compliance with the requirement to provide at least 28 calendar days notice was not practicable;
- (c) the Chief Executive has made copies of that notice available to the public at the offices of the Council; and
- (d) at least three clear working days have elapsed since the Chief Executive complied with (a) and (b).

Where such a decision is taken collectively, it must be taken in public.

The decision will still be subject to a call in period unless by virtue of Paragraph 14 of Part 4.05 (Overview and Scrutiny Procedure Rules) the Mayor agrees to the decision being treated as a matter of urgency.

17. Special Urgency

If by virtue of the date by which a decision must be taken Rule 16 (general exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the Chairman of the body making the decision, obtains the agreement of the Chairman of the Overview and Scrutiny Committee that the taking of the decision cannot be reasonably deferred. If there is no Chairman of the Overview and Scrutiny Committee, or if the Chairman of the Overview and Scrutiny Committee is unable to act, then the agreement of the Mayor, or in his/her absence the Deputy Mayor, will suffice. A report will be submitted at least annually to the Council listing any Cabinet decisions taken in the circumstances set out in Rule 17 (special urgency). The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

18. Key Decisions – Contraventions

18.1 When the Overview and Scrutiny Committee Can Require a Report

If the Overview and Scrutiny Committee thinks that a key decision has been taken which was not:

- a) included in the Schedule of Executive Decisions; or
- b) the subject of a general exception procedure; or
- c) the subject of an agreement with a relevant Overview and Scrutiny Committee Chair, or the Mayor/Deputy Mayor under Rule 17;

the Committee may require the Cabinet to report to the Council within such reasonable time as the Committee specifies. The power to require a report rests with the Committee, but is also delegated to the Proper Officer, who shall require such a report on behalf of the Committee when so requested (by the Chairman or any five Members). Alternatively, the requirement may be raised by resolution passed at a meeting of the relevant Overview and Scrutiny Committee.

18.2 Cabinet's Report to Council

The Cabinet will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within seven calendar 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 or body making the decision, and if the Leader is of the opinion that it was not a key decision the reasons for that opinion.

19. Notice of Private Meeting of the Cabinet

Where the Cabinet is likely to consider an item that contains exempt or confidential information and will require the public to be excluded from the meeting to prevent disclosure of that information, it must include that item in the Schedule of Executive Decisions at least 28 calendar days prior to the meeting, together with the reasons for considering it in private and how representations can be made requesting that it be considered in public.

If any such representations are received they will be published on the Council's web site, together with the response of the Executive, 5 clear working days before the meeting. If the item is still to be considered in private, the reasons for excluding the press and public will be re-stated on the agenda.

20. Overview and Scrutiny Committees Access to Documents

20.1 Rights to Copies

Subject to Rule 20.2 below, the Overview and Scrutiny Committee (including its Sub-Committees) will be entitled to copies of any document which is in the possession or control of the Cabinet or its Committees and which contains material relating to

- (a) any business transacted at a public or private meeting of the Executive (or its Committees).
- (b) any decision taken by an individual Member of the Cabinet.

Such documents must be provided as soon as practicable but no later than 10 working days after the request is received.

20.2 Limit on Rights

The Overview and Scrutiny Committee will not be entitled to:

- (a) any document that is in draft form;
- (b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or

- (c) the advice of a political adviser.

If the Executive determines that a member of a scrutiny committee is not entitled to a copy of a document or part of a document it must provide the scrutiny committee with a written statement setting out its reasons for that decision.

21. Additional Rights of Access for Members

21.1 Material Relating to Previous Business

All Members will be entitled to inspect any document which is in the possession or under the control of the Cabinet or its Committees and contains material relating to any business previously transacted at a private meeting unless either (a) or (b) below applies.

- (a) it contains exempt information falling within paragraphs 1 to 7 of the categories of exempt information; or
- (b) it contains the advice of a political adviser.

21.2 Material Relating to Key Decisions

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 Cabinet or its Committees which relates to any key decision unless paragraph (a) or (b) above applies.

21.3 Nature of Rights

These rights of a Member are additional to any other right he/she may have.

22. Filming, recording and commentating on Meetings.

22.1 Members of the public and media representatives are able to film, photograph, audio record (for either live or subsequent broadcast) and report by means of social media (such as Twitter, Facebook and blogs) on any meetings which are open to the public. So far as is reasonably practicable, facilities, will be provided for them to do so. However, to avoid any disruption to the meeting and to respect the wishes of other people attending the protocols set out will be followed.

22.2 Whilst there is no requirement to give advance notice of the intention to film, audio record or photograph all or part of a meeting, as a matter of courtesy, members of the public and media are requested to do so to enable practical arrangements to be made and to enable the chairman to inform everyone present that it is taking place.

22.3 Any filming or recording must be overt, i.e. clearly visible to anyone at the meeting.

- 22.4** The right to film and record is limited to the duration of the meeting. Recording must not start until the meeting is called to order, and must cease when the Chairman closes the meeting.
- 22.5** Filming or recording equipment cannot be left running in the meeting room at times when the public is excluded (for example because confidential or exempt information is being discussed).
- 22.6** Intrusive filming of a specific individual or individuals will not be permitted.
- 22.7** Some members of the public attending the meeting may object to being filmed, photographed or recorded. The Council will ask those filming, photographing or recording the meeting to respect their wishes, and will expect these to be complied with. People sitting in the public gallery will not be filmed except when they are actively participating in the meeting.
- 22.8** The Council expects that film or audio recordings will not be edited before transmission in a way that misrepresents what occurred.
- 22.9** Filming or recording is not permitted if the effect would be to interrupt or disturb the proceedings. This means that, for example:
- (a) Oral commentary is not permitted.
 - (b) Equipment which needs setting up must be in place when the meeting starts.
 - (c) Excessive noise, intrusive lighting, and extensive use of flash photography are not permitted.
 - (d) Speakers must not be asked to repeat statements for the purpose of recording.
- 22.10** The chairman of the meeting has discretion to terminate or suspend any filming, recording or commentating activities if in his/her opinion continuing to do so would prejudice proceedings at the meeting. The circumstances in which termination or suspension might occur, could include:
- public disturbance or suspension of the meeting;
 - the meeting agreeing to formally exclude the press and public from the meeting due to the confidential nature of the business being discussed;
 - where it is considered that continued recording/photography/filming/webcasting might infringe the rights of any individual; and
 - when the Chair considers that a defamatory statement has been made.

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. The Cabinet has overall responsibility for preparing draft Budget and Policy frameworks for submission to the Council. Once a budget or a policy framework is in place, it will be the responsibility of the Cabinet to implement it.

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

Any member of the Council may at any time put forward proposals to the Cabinet with regard to existing or future Budget or Policy Frameworks or the development of policy for inclusion in a Policy Framework.

The Cabinet will draw up initial proposals in relation to any plans, strategy or budget that is intended to form part of the Council's Budget or Policy Framework, taking into account any relevant proposals put forward by members of the Council.

When initial proposals have been drawn up by the Cabinet the Overview and Scrutiny Committee may wish to respond to Cabinet as part of the consultation process. As the Overview and Scrutiny Committee has responsibility for agreeing its own work programme, it is open to the Overview and Scrutiny Committee to investigate, research or report in detail with policy recommendations before the end of the consultation period.

The Cabinet will take any response from the Overview and Scrutiny Committee into account in drawing up firm proposals for submission to Council and its report to Council will reflect the comments made by Overview and Scrutiny and the Cabinet's response.

The Council will consider the proposals of the Cabinet and may approve or adopt them, amend them, refer them back to the Cabinet for further consideration, or substitute its own proposals in their place.

If it accepts the recommendation of the Cabinet without amendment, the Council may make a decision which has immediate effect. Otherwise, it may only make an in-principle decision. In either case, the decision will be made on the basis of a simple majority of votes cast at the meeting.

The decision will be published and a copy shall be given to the Leader.

An in-principle decision will automatically become effective 5 working days from the date of the Council's decision, unless the Leader informs the Chief Executive in writing within 5 working days that he/she objects to the decision becoming effective and provides reasons.

In that case, the Chief Executive will call a Council meeting within a further 10 working days. The Council will be required to re-consider its decision and the Leader's written submission within 10 working days. The Council may:

- (i) approve the Cabinet's recommendation by a simple majority of votes cast at the meeting; or
 - (ii) approve a different decision which does not accord with the recommendation of the Cabinet by a simple majority.
- (i) The decision shall then be made public in accordance with Article 4, and shall be implemented immediately;
 - (j) The Mayor will mediate any differences of view between the Council and the Cabinet on setting the budget or adopting a strategy or plan.

3. Decisions Outside the Budget and Policy Framework

- (a) Subject to the provisions of paragraph 5 (virement) the Cabinet, Committees of the Cabinet, individual members of the Cabinet and 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 the Council, then that decision may only be taken by the Council, subject to 4 below.
- (b) If the Cabinet, Committees of the Cabinet, individual Members of the Cabinet and 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 Cabinet, a Committee of the Cabinet, an individual Member of the Cabinet 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 the 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 Council; and
 - (ii) if the Chairman of a relevant Overview and Scrutiny Committee agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of the Council and the Chairman, or in his/her absence the Vice-Chairman, of the Overview and Scrutiny Committee'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 Chairman and Vice-Chairman of the Overview and Scrutiny Committee the consent of the Mayor and, in their absence, the Deputy Mayor 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. Virement

- (a) The Council shall have budget heads in a form to be approved from time to time, being in accordance with the relevant CIPFA Code of Practice.
- (b) Steps taken by the Cabinet, a Committee of the Cabinet, an individual member of the Cabinet or Officers, or joint arrangements discharging Executive functions to implement Council policy shall not exceed those budgets allocated to each budget head. However, such bodies or individuals shall be entitled to vire across budget heads in accordance with the Council's Financial Regulations and Financial Procedure Rules. The Audit Committee is responsible for maintaining and making changes to the Financial Regulations and Financial Procedure Rules (without reference to the full Council).

6. In-Year Change to Policy Framework

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

- (a) which will result in the closure 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.

7. Call-in Decisions Outside the Budget or Policy Framework

- (a) Where the Overview and Scrutiny Committee is of the opinion that a Cabinet 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 Cabinet, the Monitoring Officer's report and/or Chief Finance Officer's report shall be to the Cabinet with a copy to every Member of the Council. Regardless of whether the decision is delegated or not, the Cabinet must meet to decide what action to take in respect of the Monitoring Officer's and/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 Overview and Scrutiny Committee 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 Overview and Scrutiny Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 10 calendar days of the request by the Overview and Scrutiny Committee. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Finance Officer. The Council may either:
- (i) endorse a decision or proposal of the Cabinet 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 Budget or Policy framework so as 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 Cabinet to reconsider the matter in accordance with the advice of either the Monitoring Officer and/or Chief Finance Officer.

Cabinet Procedure Rules

1. How Does the Cabinet Operate?

1.1 Who May Make Executive Decisions?

The arrangements for the discharge of Executive functions are set out in Part 3.03 Responsibility for Executive Functions adopted by the Council. Executive functions can be discharged by:

- (i) the Cabinet as a whole;
- (ii) a Committee of the Cabinet;
- (iii) an individual Member of the Cabinet;
- (iv) an Officer;
- (v) joint arrangements; or
- (vi) another local authority.

1.2 At the Annual Meeting of the Council, the Leader will present to the Council a written record of the responsibilities allocated by him/her together with the names of the people appointed to the Cabinet which will be reflected in the Council's Responsibility for Functions at Part 3 to this Constitution. The Leader will also specify in Part 3.

- (i) the extent of any authority delegated to Cabinet Members individually, including details of the limitation on their authority;
- (ii) the terms of reference and constitution of any Cabinet Committees the Leader appoints and the names of Cabinet Members appointed to them;
- (iii) the nature and extent of any delegation of Executive functions to any other Authority or any joint arrangements and the names of those Cabinet Members appointed to any joint Committee for the coming year; 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 Cabinet, a Committee of the Cabinet or an individual Member of the Cabinet 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 Cabinet to whom functions have been delegated by the Leader may delegate further to an Officer.
- (c) Even where Executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

1.4 Delegation of Executive Functions

- (a) Subject to (b) below the delegation of Executive Functions will be subject to adoption by the Council and may only be amended by the Council.
- (b) If the Leader is able to decide whether to delegate Executive functions, he/she may amend them at any time during the year. To do so, the Leader must give written notice to the Chief Executive and to the person, body or Committee concerned. The notice must set out the extent of the amendment, and whether it entails the withdrawal of delegation from any person, body, Committee or the Cabinet as a whole. The Chief Executive will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.
- (c) Where the Leader seeks to withdraw delegation from a Committee, notice will be deemed to be served on that Committee when he/she has served it on its 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 Cabinet 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 Cabinet, 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 Cabinet Meetings - When and Where?

The Cabinet will be scheduled to meet at least 7 times per year at times to be agreed by the Leader. The Cabinet shall meet at the Council's main offices or another location to be agreed by the Leader.

1.7 Public or Private Meetings of the Cabinet?

The Access to Information Rules in Part 4 of this Constitution set out the requirements covering public and private meetings.

1.8 Quorum

1.8.1 In the Leader and Cabinet form of Executive, it is important that the Leader should be present when the Cabinet, or a Committee of the Cabinet, meets to make a decision or decisions. Consequently, the quorum for a decision making meeting of the Cabinet, or a Committee of it, shall be 3 including the Leader. However, if the Leader shall have indicated in writing to the Chief Executive that the Leader agrees to a decision making meeting of the Cabinet being held in her/his absence, the quorum for any such meeting shall be any 3 members including the Deputy Leader.

1.8.2 In the event of a meeting of the Cabinet being called to make an urgent decision at such notice that the Leader is unable to be present at the meeting, the quorum for any such meeting shall be any 3 members including the Deputy Leader.

1.9 How Are Decisions to be Taken by the Cabinet?

- (a) Cabinet decisions which have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Procedure Rules in Part 4 of the Constitution.
- (b) Where Cabinet decisions are delegated to a Committee of the Cabinet, the rules applying to decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.

2. How are Cabinet Meetings Conducted?

2.1 Who Presides?

The Leader will preside at any meeting of the Cabinet or its Committees at which he/she is present, or may appoint another person to do so.

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 Cabinet the following business will be conducted:

- (i) consideration of the Minutes of the last meeting;
- (ii) declarations of interest, if any;

- (iii) questions from members of the public, in accordance with Cabinet Procedure Rules 3.1 to 3.9.
- (iv) matters referred to the Cabinet (whether by the Overview and Scrutiny Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedures Rules set out in Part 4 of this Constitution;
- (v) consideration of reports from the Overview and Scrutiny Committee;
- (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

Consultation will be carried out on proposals in reports to the Cabinet from any member of the Cabinet or an Officer to the extent necessary to comply with legislation and the Council's duty to consult.

2.5 Who Can Put Items on the Cabinet Agenda?

The Leader will decide upon the schedule for the meetings of the Cabinet. The Leader or any member of the Cabinet may put on the Agenda of a Cabinet meeting any matter which he/she wishes, whether or not authority has been delegated to the Cabinet, a Committee of it or any member or Officer in respect of that matter.

Any Member of the Council may ask the Leader to put an item on the Agenda of a Cabinet meeting for consideration, and if the Leader agrees the item will be considered at the next available meeting of the Cabinet. The notice of the meeting will give the name of the Councillor who asked for the item to be considered. However, there may only be up to one such item per Cabinet meeting.

The Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the Agenda of a Cabinet meeting and may require that a meeting is called in pursuance of their statutory duties. In other circumstances, where any two of the Head of Paid Service, Chief Finance Officer and Monitoring Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the Agenda of a Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the Agenda may also require that a meeting be convened at which the matter will be considered.

2.6 Right of non-Executive Councillors to speak at Cabinet meetings.

Any Member of the Council shall be permitted to speak at a Cabinet meeting subject to notice being given to the Leader of the Council or a member of the Democratic Services Team before the start of the meeting.

2.7 Member's Choice Debates

- (a) That, in addition to the provision in Procedure Rule 2.5 for any Member of Council to ask the Leader to put an item on the agenda of a Cabinet meeting for consideration, any Member of Council can specify an issue to be the subject of a "Member's Choice Debate". Any Member wishing to initiate such a debate shall notify the Chief Executive by 5.00 pm on the day of a Cabinet meeting of his or her wish to lead a debate on that subject at the following Cabinet meeting. Only one such debate shall be held at each Cabinet meeting.
- (b) The Member wishing to initiate the debate shall, by the above deadline, specify in writing (or by e-mail) the subject of the issue for debate. The subject can be any issue affecting the whole, or the majority of the Borough or an issue affecting the wellbeing of a significant proportion of the local community.
- (c) The subject for debate must be framed in the form of a recommendation to the Cabinet.
- (d) On receipt of a valid request, the Member's Choice Debate will be included as the final item on the agenda for the next Cabinet meeting and all Members of Council will be invited to attend and to participate in the debate.
- (e) At the meeting, the Leader will invite all Members present to contribute to a debate on the issue raised. Each Member will be permitted to speak for up to 3 minutes. At the conclusion of the debate the Leader will ask the Members present to indicate whether or not they support the recommendation or any amended version of it. However, it will then be for the Cabinet to make a formal decision as follows:
 - if it relates to an Executive function, either to accept, vary, reject, or defer the recommendation or to refer it to an officer for further consideration;
 - if it relates to a non-executive or Council function, to agree to make a formal recommendation to a future Council meeting or to refer it to a relevant Committee for further consideration.

3. Questions by the Public

3.1 General

Members of the public who live in the Borough may ask questions of members of the Cabinet at ordinary meetings of the Cabinet. The period of time allocated for such questions shall not normally exceed 30 minutes.

3.2 Order of Questions

Questions will be asked in the order notice of them was received, except that the Leader or person presiding may group together similar questions, on issues which relate to the same topic.

3.3 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 Chief Executive no later than midday four working days before the day of the meeting (i.e. normally the Thursday before a meeting on the following Wednesday). Each question must give the name and address of the questioner and must name the Member of the Cabinet to whom it is to be put.

3.4 Supplementary Questions

Any questioner who has asked a question in person may ask one supplementary question without notice of the person who answered the original question. The supplementary question must arise directly from the original question or the reply given. The Leader may reject a supplementary question if it does not arise directly from the original question or the reply given. A member of the public making a statement will not normally be permitted to comment further following a response from the Leader or a Portfolio Holder.

3.5 Scope of Questions

The Chief Executive may reject a question if it:

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

3.6 Circulation of Questions

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

3.7 Asking the Question at the Meeting

If a questioner is not present at the Cabinet meeting the Leader will read the question on his or her behalf or rule that a written reply be given.

3.8 Written Answers

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 Cabinet Member to whom it was to put, or any other reason, will be dealt with by a written answer.

3.9 Responses to Questions

A summary of the response made to each question asked by a member of the public will be included in the Minutes. A written answer will also be sent to the questioner.

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Overview and Scrutiny Procedure Rules

1. **Appointment of the Overview and Scrutiny Committee, Sub-Committees and Task and Finish Groups**
 - 1.1 The Council will appoint an Overview and Scrutiny Committee with the Terms of Reference set out in Article 10.
 - 1.2 The Committee may appoint one or more sub-committees, and may arrange for the discharge of any of its functions by any such sub-committee. The Terms of Reference for each Sub-Committee will be agreed by the Overview and Scrutiny Committee.
 - 1.3 Sub-Committees may appoint Task and Finish Groups to consider in detail a specific issue, or to review the effectiveness of a policy or delivery of a service within its Terms of Reference. There shall be no more than one Task and Finish Group per Sub-Committee at any one time.
 - 1.4 The Committee may appoint Task and Finish Groups to consider in detail a specific issue, or to review the effectiveness of a policy or delivery of a service within its Terms of Reference.

2. **Membership of the Overview and Scrutiny Committee, Sub-Committees and Task and Finish Groups**
 - 2.1 The Overview and Scrutiny Committee will comprise 12 members who will be appointed in accordance with the political balance rules.
 - 2.2 All Councillors, except members of the Cabinet, may be members of the Overview and Scrutiny Committee. However, no Member may be involved in scrutinising a decision in which he/she has been directly involved.
 - 2.3 The sub-committees appointed by the Overview and Scrutiny Committee will comprise of no more than eight members, and will reflect the political balance of the council. Membership of the sub-committees will be agreed by the Overview and Scrutiny Committee.
 - 2.4 The number of members on a Task and Finish Group will not normally be less than 5 or more than 10.
 - 2.5 All non-executive Councillors will normally be invited to express an interest in being a member of a Task and Finish Group. The membership of each Task and Finish Group will then be agreed either by the Overview and Scrutiny Committee or by a mechanism agreed by the Committee. There is no requirement for Task and Finish Groups to be politically balanced.
 - 2.6 There is an expectation that most Task and Finish Groups will complete their work and submit a report to Cabinet within three to six months. There will not, normally, be more than three Task and Finish Groups active at any one time, including Task and Finish Groups commissioned by a sub-committee. The number of Task and Finish Groups active at any one time is a matter for the Overview and Scrutiny Committee but will take into account the available

resources in terms of Member and officer time.

3. Meetings of the Overview and Scrutiny Committee, Sub-Committees and Task and Finish Groups

- 3.1 Ordinary meetings of the Overview and Scrutiny Committee will be programmed to take place at approximately six-weekly intervals. Dates will be published by the Democratic Service and Scrutiny Manager at the beginning of each Council Year.
- 3.2 An additional Overview and Scrutiny Committee meeting may be called by the Chairman, by any four members of the Committee or by the Democratic Services and Scrutiny Manager.
- 3.3 If necessary or appropriate, a meeting of an Overview and Scrutiny Committee may be cancelled or re-arranged by the Democratic Services and Scrutiny Manager, in consultation with the Chairman.
- 3.4 Meetings of each Sub-Committee will be convened no more than quarterly by the Democratic Services and Scrutiny Manager.
- 3.5 Dates and times will be published by the Chief Executive in the Calendar of Meetings and agreed by Full Council.
- 3.6 An additional meeting of a sub-committee may be called by the Chair, by any three members or by the Democratic Services and Scrutiny Manager.
- 3.7 If necessary or appropriate a meeting of a Sub-Committee may be cancelled or re-arranged by the Democratic Services and Scrutiny Manager, in consultation with the Chair.
- 3.8 Meetings of each Task and Finish Group will be convened by the Democratic Services and Scrutiny Manager in consultation with the Chairman of that Group. Task and Finish Groups will meet as frequently as necessary to complete their designated task within the proposed timescale.
- 3.9 Each Task and Finish Group will decide whether its meetings will be held in public or in private. Final reports and, if necessary, interim reports will be submitted to the Overview and Scrutiny Committee and, unless they contain exempt or confidential information as specified in the Access to Information Procedure Rules, will be made public at that stage.

4. Quorum

- 4.1 The quorum for meetings of the Overview and Scrutiny Committee shall be three members.
- 4.2 The minimum number for a meeting of a Sub-Committee or Task and Finish Group shall be three members.

5. Chairman of the Overview and Scrutiny Committee

- 5.1 The Chairman and Vice-Chairman of the Overview and Scrutiny Committee will be elected at the first meeting in each Council year, from among the

members of the Committee with reappointments being made annually.

6. Chairmen of Sub-Committees

6.1 The Chairman will be elected from among members of the Overview and Scrutiny Committee and elected annually by the Sub-Committee.

7. Chairmen of Task and Finish Groups

7.1 The Chairman of each Task and Finish Group will be elected at the first meeting of the Group by the Overview and Scrutiny Committee, and may be from any political party.

8. Work Programme

8.1 A work programme, including both proposed Task and Finish Group reviews and key issues for consideration by the Committee, will be approved by the Overview and Scrutiny Committee.

8.2 The programme will be developed annually after taking into account the views of the Cabinet, the Management Team, members of the Committee and following consultation with all Councillors.

8.3 A work programme for each appointed Sub-Committee will be developed in consultation with officers and approved by the Sub-Committee.

8.4 When considering items for inclusion in the work programme, the Overview and Scrutiny Committee and its Sub-Committees will have regard to any criteria currently in place for choosing such items.

9. Agenda Items

9.1 Any Councillor shall be entitled to give notice to the Democratic Services and Scrutiny Manager that he/she wishes an item relevant to the functions of Overview and Scrutiny to be included on the agenda for the next available meeting of the Committee or relevant Sub-Committee. On receipt of such a request, the Democratic Services and Scrutiny Manager will consult with the Chairman (or in his/her absence the Vice-Chairman) who will decide whether or not the item will be included on an Agenda for a meeting of the Committee. If an item is included on the agenda, the Councillor requesting it will be entitled to speak at that meeting.

9.2 The Overview and Scrutiny Committee and Sub-Committees will monitor and manage their work programmes to ensure a suitable response can be made to unforeseen activities or requests to carry out additional items of work. Where required to do so, the Overview and Scrutiny Committee and its Sub-Committees shall report their findings and any recommendations on such activities to the Cabinet and/or Council.

10. Conduct of Reviews

10.1 The Overview and Scrutiny Committee, Sub-Committees or Task and Finish groups appointed by it may hold hearings and investigate available options.

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 any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

10.2 Where the Overview and Scrutiny Committee, a Sub-Committee or a Task Group asks people to attend to give evidence the meeting should be conducted in accordance with the following principles:

- (a) all members of the Committee will be given the opportunity to ask questions of attendees, and to contribute and speak; and
- (b) those assisting the Committee by giving evidence will be treated with respect and courtesy.

11. Reports from Task and Finish Groups to the Overview and Scrutiny Committee

11.1 When a Task and Finish Group has completed a review, a report describing the method of the review, and setting out its findings, conclusions and recommendations, will be submitted to the Overview and Scrutiny Committee. If agreement on a final report cannot be reached, one minority report may be proposed and submitted to the Overview and Scrutiny Committee. Prior to consideration by the Committee of the report(s) the Council's Corporate Management Team will be given an opportunity to comment on any proposals or recommendations made, particularly on any legal or financial implications.

12. Reports from Task and Finish Groups to the Overview and Scrutiny Sub-Committees

12.1 When a Task and Finish Group has completed a review, a report describing the method of the review and setting out its findings, conclusions and recommendations, will be submitted to the relevant Sub-Committee. Prior to the consideration by the Sub-Committee, the Corporate Management Team will be given the opportunity to comment on any proposals or recommendations made, particularly on any legal or financial implications.

12.2 If the Chair of the Sub-Committee agrees, the report can be submitted to the Overview and Scrutiny Committee for their consideration if it is deemed that the matter is urgent and cannot wait until the next scheduled meeting of the Sub-Committee.

13. Reports from Overview and Scrutiny Sub-Committees to Cabinet

13.1 When a Sub-Committee has considered the report of a Task and Finish Group, it will forward the report to Cabinet with its endorsement of the recommendations made and any other comment it wishes to make. Cabinet will consider the recommendations and either accept or reject the recommendations.

- 13.2** A Sub-Committee may also submit recommendations to the Cabinet on issues considered by the Sub-Committee itself, without review by a Task and Finish Group.

14. Report From the Overview and Scrutiny Committee to the Cabinet

- 14.1** When it has considered the report(s) of a Task and Finish Group the Committee will forward the report(s) to the Cabinet, with its endorsement of the recommendations made or any other comment it wishes to make.
- 14.2** The Committee may also submit recommendations to the Cabinet on issues considered by the Committee itself, without a review by a Task Group.
- 14.3** Reports will be submitted to the Cabinet under the name of both the Chairman of the Overview and Scrutiny Committee and, if relevant, the Chairman of the Task Group which has undertaken a review and they will be permitted to present the report to the Cabinet.
- 14.4** The Cabinet's response to each of the recommendations made will be reported by the Democratic Services and Scrutiny Manager to the next meeting of the Overview and Scrutiny Committee.
- 14.5** Any recommendations of the Overview and Scrutiny Committee which would have an impact on the budget or policy framework, which are accepted by the Cabinet will be submitted to the Council for consideration before any changes are implemented.
- 14.6** The Chairman of the Overview and Scrutiny Committee will submit periodic reports on its activities to the Council, including the work of any appointed Sub-Committees.

15. Attendance by Members and Officers to Provide Information and Answer Questions

- 15.1** The Overview and Scrutiny Committee and Sub-Committees can ask any member of the Cabinet, the Chief Executive and/or any other senior Officer (Director/ Head of Service/Service Manager or an appropriate senior manager nominated by the Head of Service) to attend before it to explain in relation to matters within their remit;

- (a) any particular decision or series of decisions;
- (b) the extent to which the actions taken implement Council policy; and/or
- (c) their performance

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

- 15.2** Where, in exceptional circumstances, the relevant Member or Officer is unable to attend on the required date, then the Overview and Scrutiny Committee and its Sub-Committees shall, in consultation with the Member or Officer, arrange an alternative date for attendance to take place as soon as

possible.

- 15.3** The Overview and Scrutiny Committee may also invite a representative of an external organisation to provide information or to answer questions at a meeting (for example, representatives of Wyre's Community Safety Partnership, the Lancashire North Integrated Care Board, the Police and Crime Panel for Lancashire, and the council's representative on the Lancashire County Council Health and Adult Services Scrutiny Committee).
- 15.4** In addition to the provisions in paragraph 12.1 one member of the Cabinet will normally be invited to attend each ordinary meeting of the Overview and Scrutiny Committee, on a rota basis, to report progress on key objectives within their portfolio, to provide information on any forthcoming decisions within their area of responsibility (including those listed in the Schedule of Executive Decisions) and to answer questions from Members of the Committee.

16. Call-In of Executive Decisions

- 16.1** When a decision is made by the Cabinet, or an individual member of the Cabinet, or a key decision is made by an Officer with delegated authority from the Cabinet, the decision shall be published, normally within two working days of being made. All members of Council will be sent copies, usually by email, of the records of all such decisions.
- 16.2** That notice will include 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 clear working days after the publication of the decision, unless any four Members of the Council request that it be called in. During that period, the Democratic Services and Scrutiny Manager shall call in a decision for scrutiny by the Overview and Scrutiny Committee, if so requested by any four Members of the Council, and shall then notify the decision-maker of the call-in.
- 16.3** The call-in request shall be submitted on a Call-In Request Form (attached as an Appendix to these procedure Rules), which shall be completed and received by the Democratic Services and Scrutiny Manager, in hard copy or by email, within the timescale specified in paragraph 13.2 above. The Call-In Request Form must include the names of the minimum of four supporters of the call-in, the councillor nominated as the spokesperson, the reasons for the call-in, the issues to be considered by the Overview and Scrutiny Committee and the desired outcomes. Any documents to be referred to at the meeting of the Overview and Scrutiny Committee should where possible be submitted to the Democratic Services and Scrutiny Manager in advance of the meeting.
- 16.4** A meeting of the Overview and Scrutiny Committee will be called after consultation with the Chairman of the Committee, and if possible within ten days of the call-in being received, unless there is a scheduled meeting of the Overview and Scrutiny Committee within a reasonable timescale.

The Call-In meeting

- 16.5** While the call-in meeting is a meeting that is open to the public to attend (unless a resolution is passed excluding the press and public under Part 1 of Schedule 12(a) of the Local Government Act, 1972, as amended by the Local Government (Access to Information) Variation Order 2006), there is no provision for public representation or public speaking.
- 16.6** The spokesperson shall be invited to present the reasons for the call in as documented on the call-in form and any suggested actions to be taken by the committee.
- 16.7** The Portfolio Holder shall be invited to respond to the call in by addressing the points raised by the spokesperson as documented on the call-in form.

- 16.8** The members of the Overview and Scrutiny Committee shall be given the opportunity to ask questions of the spokesperson and the Portfolio Holder. The spokesperson and the Portfolio Holder will have the opportunity to make any points of clarification.
- 16.9** When they have done so, the spokesperson and the Portfolio Holder will be informed by the chairman that they will have no further opportunity to make comments or ask questions and they will be asked to vacate their place at the meeting table.
- 16.10** Unless a resolution is passed to exclude the public and press because of the need to avoid the disclosure of exempt or confidential information for one of the reasons specified in Schedule 12A of the Local Government Act 1972 the committee will discuss the call in and decide what action to take in public.
- 16.11** The committee shall either support or not support the call in and shall state reasons for the decision.
- 16.12** If the Overview and Scrutiny Committee has agreed to support the call in it may refer the decision back to the decision making person or body for reconsideration setting out in writing the reasons for the committee's decision based on the evidence presented. The circumstances in which a call in will be reported to the Council and the process to be followed, if that occurs, are set out in the Budget and Policy Framework Procedure Rules. The decision maker shall then reconsider the matter within a further five working days, amending the decision or not, before adopting a final decision. In the case of Cabinet, unless there is a scheduled meeting within a reasonable timescale, an additional meeting of Cabinet will be convened at the earliest opportunity.
- 16.13** If, following consideration of an objection to a decision, the Overview and Scrutiny Committee does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the Overview and Scrutiny meeting.

17. Urgent Decisions

- 17.1** The call-in procedure set out above shall not apply where the decision being taken by the Cabinet or a Portfolio Holder is urgent. See Part 4.02, paragraph 16, General Exception and paragraph 17, special urgency. 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 interest. The record of the decision, and notice by which it is made public, shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Mayor must agree both that the decision proposed is reasonable in all circumstances and to it being treated as a matter of urgency. In the absence of the Mayor, the Deputy Mayor's consent shall be required. In the absence of both the Mayor and the Deputy Mayor, the Chief Executive's or his/her 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.

18. The Party Whip

- 18.1** It is generally accepted good practice, that “the party whip” should be suspended in relation to the deliberations of all overview and scrutiny committees.
- 18.2** However, if a member of the Overview and Scrutiny Committee is subject to the party whip on any issue, the member must declare the existence of the whip, and the nature of it, before the commencement of the Committee’s deliberations on the matter. The declaration and the detail of the whip imposed shall be recorded in the Minutes.



1. CALL-IN REQUEST

Please complete this form to register a request for a decision of the Executive to be called-in for consideration by the Overview and Scrutiny Committee, in accordance with the Council's Constitution (Part 4.05 - *Overview and Scrutiny Procedure Rules* – paragraph 13).

Contact details

Name:

Address:

Daytime telephone number:

Email address:

Date call-in sent:

Details of the decision to be called-in

Decision title:

Decision reference number:

Date the decision was taken:

Reasons for call-in and issues to be considered

(This will assist officers to ensure that the relevant issues are addressed during the Overview and Scrutiny Committee's consideration of the decision. Please use an additional sheet if necessary.)

1 Reasons for call-in (please give details):

2 What issues would you like the Overview and Scrutiny Committee to consider?
(please list):

3 What outcomes are you seeking to achieve by calling-in the decision and/or what alternative actions do you wish the decision maker(s) to take?

Would you like to make a statement or representation in respect of your call-in at the meeting that considers the call-in?

Yes No

Names of councillors

- 1.(Spokesperson)
- 2.
- 3.
- 4.
- 5.

Please note that any request to call-in a decision must be supported by at least four members of the Council.

If you wish to refer to any documents (apart from the Portfolio Holder/Cabinet report and the Cabinet Minute/Portfolio Holder Decision Notice) when the call-in is considered by the Overview and Scrutiny Committee you should, where possible, submit any such document(s) to the Democratic Services Team as soon as practically possible or by the publication of the agenda.

Please email this completed form to democratic.services@wyre.gov.uk. Alternatively, you can return the form to the Democratic Services and Scrutiny Manager, Civic Centre, Breck Road, Poulton-le-Fylde, Lancashire, FY6 7PU.

If you have any queries or difficulties regarding completion of the form, please contact the Scrutiny Officer on 01253 887606 or 887326.

For internal use only

Date request received:
Date committee meeting called:
Date of meeting:
Signature of the 'Proper Officer':

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Financial Regulations and Financial Procedure Rules

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Introduction

- 1.1** The authority's governance structure is laid down in its constitution, which sets out how the council operates, how decisions are made and the procedures that need to be followed.
- 1.2** Financial regulations form part of the constitution and provide the framework for managing the authority's financial affairs. They apply to every member and officer of the authority and anyone acting on its behalf.
- 1.3** The regulations identify the financial responsibilities of the Full Council, and overview and scrutiny Members, the Head of Paid Service, the Monitoring Officer, the Finance Director and other Chief Officers. Executive Members and Chief Officers should maintain a written record where decision making has been delegated to members of their staff, including seconded staff. Where decisions have been delegated or devolved to other responsible officers, references to the Chief Officer in the regulations should be read as referring to them.
- 1.4** With regard to the above generic references, for the purpose of these regulations the following specific titles apply to Wyre Borough Council:
- (a) "Executive" – Cabinet;
 - (b) "overview and scrutiny Members" – Members of the Overview and Scrutiny Committee;
 - (c) "Head of Paid Service" – Chief Executive;
 - (d) "Monitoring Officer" – Legal Services Manager (Monitoring Officer) or Human Resources Manager (Deputy Monitoring Officer);
 - (e) "Finance Director" – Corporate Director Resources (S151 Officer) or their nominated deputy acting in that capacity;
 - (f) "Chief Officers" – Chief Executive, Corporate Directors and Heads of Service.
 - (g) "Corporate Property Officer" – Head of Assets and Development
 - (h) "Head of Internal Audit" – Audit and Risk Manager.
- 1.5** All Members and staff have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, is properly authorised and demonstrates value for money.
- 1.6** The Finance Director is responsible for maintaining a continuous review of the financial regulations and submitting any additions or changes necessary to the Audit and Standards Committee for approval. The Finance Director is also responsible for reporting, where appropriate, breaches of the financial regulations to the Audit Committee and/or to the Executive Members.

- 1.7** The authority's detailed financial procedures, setting out how the regulations will be implemented, are published on the Hub, and will be updated by the Finance Director as necessary.
- 1.8** Chief Officers are responsible for ensuring that all staff in their service units are aware of the existence and content of the authority's financial regulations and other regulatory documents and that they comply with them.
- 1.9** The Finance Director is responsible for issuing advice and guidance to underpin the financial regulations that Members, officers and others acting on behalf of the authority are required to follow. Such advice and guidance will have the same force as these regulations.

Key Responsibilities of Chief Officers

- 2.1** Throughout this document the key responsibilities of individual Chief Officers are identified. The following lists key responsibilities which give a broad outline of the nature of the control framework and the accountabilities of Chief Officers within it.
- 2.2** It is the responsibility of Chief Officers to consult with the Finance Director and seek approval on any matter liable to materially affect the authority's finances, before any commitments are incurred.
- 2.3** To promote the financial management standards set by the Finance Director in their service areas and to monitor adherence to the standards and practices, liaising as necessary with the Finance Director.
- 2.4** To promote sound financial practices in relation to the standards, performance and development of staff in their service areas.
- 2.5** To adhere to the accounting policies and guidelines approved by the Finance Director.
- 2.6** To comply with accounting guidance provided by the Finance Director and to supply the Finance Director with information when required.
- 2.7** To maintain budgetary control within their departments, in adherence with the principles outlined in Appendix B, and to ensure that all income and expenditure are properly recorded and accounted for.
- 2.8** To ensure that spending remains within the service's overall cash limit, and that individual budget heads are not overspent, by monitoring the budget and taking appropriate corrective action where significant variations from the approved budget are forecast.
- 2.9** To work within budget limits and to utilise resources allocated, and further allocate resources, in the most efficient, effective and economic way.
- 2.10** To identify opportunities to minimise or eliminate resource requirements or consumption without having a detrimental effect on service delivery.
- 2.11** To ensure that resources are used only for the purposes for which they were intended.
- 2.12** To notify the Finance Director immediately of any loss, liability or damage that may lead to a claim against the authority, together with any information or explanation required by the Finance Director or the authority's insurers.
- 2.13** To ensure that there are regular reviews of risk within their service units.
- 2.14** To manage processes to check that established controls are being adhered to and to evaluate their effectiveness, in order to be confident in the proper use of resources, achievement of objectives and management of risks.

- 2.15** To ensure that loans are not made to third parties and that interests are not acquired in companies, joint ventures or other enterprises without the approval of the Full Council, following consultation with the Finance Director and the legal Services Team. The only exception to this rule is where a Parish or Town Council, request a short-term loan (not exceeding 12 months) for a value of £50,000 or less. Any agreement needs to be in consultation with the Finance Director and the Legal Services Manager.
- 2.16** To consult with the Finance Director before changing any existing system or introducing new systems.
- 2.17** To ensure appointments are made in accordance with the regulations of the authority and approved establishments, grades and scales of pay and that adequate budget provision is available.
- 2.18** To maintain a register of all contracts entered into with external bodies in accordance with procedures specified by the Finance Director.
- 2.19** To ensure that the approval of the Executive is obtained before any negotiations are concluded to work for third parties.

Financial Regulations

A - Financial Management

Introduction

- A.1** Financial management covers all financial accountabilities in relation to the running of the authority, including the policy framework and budget.

The Full Council

- A.2** The Full Council is responsible for adopting the authority's constitution and for approving the policy framework and budget within which the Executive operates. The framework is set out in its constitution. The Full Council is also responsible for monitoring compliance with the agreed policy and related executive decisions.
- A.3** The Full Council is responsible for approving procedures for recording and reporting decisions taken. This includes those key decisions delegated by and decisions taken by the Council and its committees. These delegations and details of who has responsibility for which decisions are set out in the constitution.

The Executive

- A.4** The Executive is responsible for proposing the policy framework and budget to the Full Council, and for discharging executive functions in accordance with the policy framework and budget.
- A.5** Executive decisions can be delegated to a committee of the Executive, an individual Executive Member, an officer or a joint committee.
- A.6** The Executive is responsible for establishing protocols to ensure that individual Executive Members consult with relevant officers before taking a decision within his or her delegated authority. In doing so, the individual Member must take account of legal and financial liabilities and other risk management issues that may arise from the decision.

Committees of the Council

Overview and Scrutiny Committee

- A.7** The Overview and Scrutiny Committee are responsible for scrutinising executive decisions before or after they have been implemented and for holding the Executive to account. The Overview and Scrutiny Committee are also responsible for making recommendations on future policy options and for reviewing the general policy and service delivery of the authority.

Employment and Appeals Committee

- A.8** The Employment and Appeals Committee is charged with exercising a range of miscellaneous powers on behalf of the Council, including employee appeals and superannuation matters.

Audit and Standards Committee

- A9** The Audit and Standards Committee is the member level forum to provide to those charged with governance, independent assurance on the adequacy of the risk management framework, the internal control environment, the integrity of the financial reporting, the annual governance processes and the Council's compliance with the Data Protection Act 2018 and the UK General Data Protection Regulations (GDPR). By overseeing Internal and External Audit it makes an important contribution to ensuring that effective assurance arrangements are in place.
- A10** In addition, the committee is responsible for promoting and maintaining high standards of conduct amongst Elected Members. In particular, it is responsible for advising the Council on the adoption and revision of the Members' Code of Conduct, and for monitoring the operation of the code.

Other Regulatory Committees

- A.11** Planning and conservation, and licensing are not executive functions but are exercised through the Planning Applications Committee and the Licensing Committee.

The Statutory Officers

Head of Paid Service

- A.12** The Head of Paid Service is responsible for the corporate and overall strategic management of the authority as a whole (including overall management responsibility for all staff). He or she must report to and provide information for the Executive, the Full Council, Overview and Scrutiny Committee and other committees. He or she is responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the organisation. The Head of Paid Service is also responsible, together with the Monitoring Officer, for the system of record keeping in relation to all the Full Council's decisions (see below).

Monitoring Officer

- A.13** The Monitoring Officer is responsible for promoting and maintaining high standards of ethical conduct and therefore provides support to the Standards Committee. The Monitoring Officer is also responsible for reporting any actual or potential breaches of the law or maladministration to the Full Council and/or to the Executive, and for ensuring that procedures for recording and reporting key decisions are operating effectively.
- A.14** The Monitoring Officer must ensure that executive decisions and the reasons for them are made public. He or she must also ensure that Elected Members are aware of decisions made by the Executive and of those made by officers who have delegated executive responsibility.
- A.15** The Monitoring Officer is responsible for advising all Elected Members and officers about who has authority to take a particular decision.

- A.16** The Monitoring Officer is responsible for advising the Executive or Full Council about whether a decision is likely to be considered contrary or not wholly in accordance with the policy framework.
- A.17** The Monitoring Officer (together with the Finance Director) is responsible for advising the Executive or Full Council about whether a decision is likely to be considered contrary or not wholly in accordance with the budget. Actions that may be 'contrary to the budget' include:
- initiating a new policy;
 - committing expenditure in future years to above the budget level;
 - incurring interdepartmental transfers above virement limits; and
 - causing the total expenditure financed from council tax, grants and corporately held reserves to increase, or to increase by more than a specified amount.
- A.18** The Monitoring Officer in conjunction with the Democratic Services and Scrutiny Manager is responsible for maintaining an up-to-date constitution.

Finance Director

- A.19** The Finance Director has statutory duties in relation to the financial administration and stewardship of the authority. This statutory responsibility cannot be overridden. The 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 Accounts and Audit Regulations 2015.
 - Local Government Act 2003.
- A.20** The Finance Director is responsible for:
- the proper administration of the authority's financial affairs;
 - setting 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;
 - preparing the Capital Strategy;
 - preparing the revenue budget and capital programme; and
 - treasury management.
- A.21** Section 114 of the Local Government Finance Act 1988 requires the Finance Director to report to the Full Council, Executive and the External Auditor if the authority or one of its officers:
- has made, or is about to make, a decision which involves incurring unlawful expenditure;
 - has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the authority; or
 - is about to make an unlawful entry in the authority's accounts.

Section 114 of the 1988 Act also requires:

- the Finance Director to nominate a properly qualified member of staff to deputise should he or she be unable to perform the duties under section 114 personally;
- the authority to provide the Finance Director with sufficient staff, accommodation and other resources – including legal advice where this is necessary – to carry out their duties under section 114.

Chief Officers

- A.22** Chief Officers are responsible for ensuring that Executive Members are advised of the financial implications of all proposals and that the financial implications have been agreed by the Finance Director.
- A.23** It is the responsibility of Chief Officers to consult with the Finance Director and seek approval on any matter liable to materially affect the authority's finances, before any commitments are incurred.

Other Financial Accountabilities

Virement

- A.24** The Audit and Standards Committee is responsible for agreeing procedures for virement of expenditure between budget headings.
- A.25** Chief Officers are responsible for agreeing in-year virements within delegated limits, in consultation with the Finance Director where required. They must notify the Finance Director of all virements.

Treatment of Year-End Balances

- A.26** The Audit and Standards Committee is responsible for agreeing procedures for carrying forward under and over-spending on budget headings, provided that such carry forwards do not constitute an alteration to the policy and budget framework.

Accounting Policies

- A.27** The Finance Director is responsible for selecting accounting policies in accordance with best professional practice and ensuring that they are applied consistently.

Accounting Records and Returns

- A.28** The Finance Director is responsible for determining the accounting procedures and records for the authority, and must be consulted on and approve proposals for change.

Financial Systems

- A.29** The Finance Director is responsible for approving all the financial systems in operation within the authority and must be consulted on and approve any proposals for change.

The Annual Statement of Accounts

- A.30** The Finance Director is responsible for ensuring that the annual statement of accounts is prepared in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom. The Audit and Standards Committee is responsible for approving the annual statement of accounts.

Financial Regulations

B - Financial Planning

Introduction

B.1 The Full Council is responsible for agreeing the authority's policy framework and budget, which will be proposed by the Executive. In terms of financial planning, the key elements are:

- the council plan;
- the revenue budget; and
- the capital programme.

Policy Framework

B.2 The policy framework includes the following statutory plans and strategies:

- the council plan;
- revenue budget;
- capital programme;
- capital strategy
- treasury management policy statement and strategy;
- the local plan
- Community Safety Partnership - Strategic Assessment; and
- plans and strategies which together support the council plan.

B.3 The Full Council is also 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. Decisions should be referred to the Full Council by the Monitoring Officer.

B.4 The Executive is responsible for taking in-year decisions on resources and priorities in order to deliver the budget policy framework within the financial limits set by the C

B.5 The Overview and Scrutiny Committee review performance against the council plan priorities quarterly. The same reports are also reviewed by Corporate Management Team and Management Board.

Budgeting

Budget Format

B.6 The general format of the budget will be approved by the Full Council and proposed by the Executive on the advice of the Finance Director. The draft budget should include allocation to different services and projects, proposed taxation levels and contingency funds.

Budget Preparation

- B.7** The Finance Director is responsible for ensuring that a revenue budget is prepared on an annual basis and a four-year medium-term financial plan for consideration by the Executive, before submission to the Full Council. The Full Council may amend the budget or ask the Executive to reconsider it before approving it.
- B.8** The Executive is responsible for issuing guidance on the general content of the budget in consultation with the Finance Director as soon as possible following approval by the Full Council.
- B.9** It is the responsibility of Chief Officers to ensure that budget estimates reflecting agreed service plans are submitted to the Executive and that these estimates are prepared in line with guidance issued by the Executive.

Budget Monitoring and Control

- B.10** The Finance Director is responsible for providing appropriate financial information to enable budgets to be monitored effectively. He or she must ensure that expenditure and income is monitored and controlled against budget allocations and report to the Executive on the overall position on a regular basis.
- B.11** It is the responsibility of Chief Officers to control income and expenditure within their area and to monitor performance, taking account of financial information provided by the Finance Director. They should report on variances within their own areas. They should also take any action necessary to avoid exceeding their budget allocation and alert the Finance Director to any problems.

Resource Allocation

- B.12** The Finance Director is responsible for developing and maintaining a resource allocation process that ensures due consideration of the Full Council's policy framework.

Preparation of the Capital Programme

- B.13** The Finance Director is responsible for ensuring that a capital programme is prepared on an annual basis for consideration by the Executive before submission to the Full Council.

Guidelines

- B.14** Guidelines on budget preparation are issued to Members and Chief Officers by the Finance Director following agreement with the Executive. The guidelines will take account of:
- legal requirements;
 - medium-term planning prospects;
 - the council plan;
 - available resources;
 - spending pressures;

- other relevant government guidelines;
- other internal policy documents; and
- cross-cutting issues (where relevant).

Maintenance of Reserves

- B.15** It is the responsibility of the Finance Director to advise the Executive and/or the Full Council on prudent levels of reserves for the authority.

Financial Regulations

C - Risk Management and Control of Resources

Introduction

- C.1** It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant strategic and operational risks to the authority. This should include the proactive participation of all those associated with planning and delivering services.

Risk Management

- C.2** The Audit and Standards Committee is responsible for approving the authority's risk management policy and for reviewing the effectiveness of risk management. The Executive is responsible for ensuring that proper insurance exists where appropriate.
- C.3** The Finance Director is responsible for preparing the authority's risk management policy, for promoting it throughout the authority and for advising the Executive on proper insurance cover where appropriate.

Internal Control

- C.4** Internal control refers to the systems of control devised by management to help ensure the authority's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the authority's assets and interests are safeguarded.
- C.5** The Finance Director is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.
- C.6** It is the responsibility of Chief Officers to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets.

Audit Requirements

- C.7** The Accounts and Audit Regulations 2015 require every local authority to maintain an adequate and effective system of internal control. The responsibility for Internal Audit is delegated to the Finance Director.
- C.8** Following the dissolution of the Audit Commission, the Public Sector Audit Appointments Ltd (PSAA) was specified as an appointing person under the provisions of the Local Audit (Appointing Persons) Regulations 2015. The PSAA are empowered to appoint External Auditors following a national procurement exercise

on behalf of those Local Authorities that signed up to the process. Those Local Authorities that did not opt into the national procurement exercise were able to procure their own External Auditors through an individual or local procurement exercise. Wyre opted into the national procurement from 2018/19 and has done so again for the contracts commencing in 2023/24. These contracts will cover a five year period commencing with the audit of accounts for 2023/24. PSAA has an option to extend the contracts for a further two year period, to a total of seven years, if it chooses to do so. With effect from 2018/19 there is no provision in legislation for PSAA to make arrangements for housing benefit subsidy certification work on behalf of the Department of Work and Pensions and it will be the responsibility of each Local Authority to ensure arrangements are in place.

- C.9** The authority may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Revenue and Customs, who have statutory rights of access.

Preventing Fraud and Corruption

- C.10** The Finance Director is responsible for the development and maintenance of effective counter fraud and corruption arrangements.

Assets

- C.11** Chief Officers should ensure that records and assets are properly maintained and securely held. They should also ensure that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place.

Treasury Management

- C.12** The authority has adopted CIPFA's Code of Practice for Treasury Management in Local Authorities and to demonstrate compliance, a review of the Treasury Management Policy Statement, Treasury Management Practices, Treasury Management, the Capital Strategy and Annual Investment Strategy and Minimum Revenue Provision Policy Statement is agreed annually by the Executive. The Council approves the formulation of the plan or strategy for the control of the authority's borrowing, investments or capital expenditure and for the determination of the authority's minimum revenue provision. The Finance Director has delegated responsibility for implementing and monitoring the statement.
- C.13** The authority has nominated the Overview and Scrutiny Committee as being responsible for ensuring effective scrutiny of the Treasury Management Strategy and policies and the Capital Strategy.
- C.14** All money in the hands of the authority is controlled by the officer designated for the purposes of Section 151 of the Local Government Act 1972, referred to in the code as the Finance Director.
- C.15** The Finance Director is responsible for reporting to the Executive and subsequently the Full Council, a proposed Treasury Management and Annual Investment Strategy for the coming financial year and Minimum Revenue Provision Policy Statement and the Capital Strategy at or before the start of each financial year.

- C.16** All executive decisions on borrowing, investment or financing shall be delegated to the Finance Director, who is required to act in accordance with CIPFA's Code of Practice for Treasury Management in Local Authorities and if a CIPFA member, CIPFA's Standard of Professional Practice on Treasury Management.
- C.17** The authority delegated responsibility for the implementation and regular monitoring of its treasury management policies and practices to the Executive who will receive from the Finance Director and consider as a minimum:
- a Capital Strategy and a Treasury Management and Annual Investment Strategy before the commencement of the new financial year;
 - a mid-year review;
 - an annual report on treasury management activity before the 30 September after the year end to which it relates; and
 - the outcome of debt rescheduling undertaken reported as soon as possible after completion of the exercise.

Staffing

- C.18** The Full Council is responsible for the manner in which the discharge of the Council's functions is co-ordinated, and for determining how officer support for Executive and Non-Executive roles within the authority will be organised.
- C.19** The Head of Paid Service is responsible for the overall management of staff. He or she is also responsible for ensuring that there is proper use of the agreed systems for determining the remuneration of a job.
- C.20** Chief Officers are responsible for controlling total staff numbers by:
- advising the Executive on the budget necessary in any given year to cover estimated staffing levels;
 - reviewing and amending the structure and staffing levels, within approved budget provision, and fixing commencing salaries or wages for such appointments and promotions as appropriate, in consultation with the officer responsible for strategic human resource issues; and
 - the proper use of appointment procedures.

Financial Regulations

D - Financial Systems and Procedures

Introduction

- D.1** Sound systems and procedures are essential to an effective framework of accountability and control.

General

- D.2** The Finance Director is responsible for the operation of the authority's accounting systems, the form of accounts and the supporting financial records. Any changes made by Chief Officers to the existing financial systems or the establishment of new systems must be approved by the Finance Director. However, Chief Officers are responsible for the proper operation of financial processes in their own departments.
- D.3** Any changes to agreed procedures by Chief Officers to meet their own specific service needs should be agreed in advance with the Finance Director.
- D.4** Chief Officers should ensure that their staff receive relevant financial training that has been approved by the Finance Director.
- D.5** Chief Officers must ensure that, where appropriate, computer and other systems are registered in accordance with data protection legislation. Chief Officers must ensure that staff are aware of their responsibilities under freedom of information legislation.

Income and Expenditure

- D.6** It is the responsibility of Chief Officers to ensure that a proper scheme of delegation has been established within their area and is operating effectively. The scheme of delegation should identify staff authorised to act on the Chief Officer's behalf, or on behalf of the Executive, in respect of payments, income collection and placing orders, together with the limits of their authority. The Audit and Standards Committee is responsible for approving procedures for writing off debts as part of the overall control framework of accountability and control.

Payments to Employees and Members

- D.7** The Finance Director is responsible for all payments of salaries and wages to all staff, including payments for overtime, and for payment of allowances to Elected Members.

Taxation

- D.8** The Finance Director is responsible for advising Chief Officers, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the authority.
- D.9** The Finance Director is responsible for maintaining the authority's tax records, making all tax payments, receiving tax credits and submitting tax returns by their

due date as appropriate.

Trading Accounts/Business Units

- D.10** It is the responsibility of the Finance Director to advise on the establishment and operation of trading accounts.

Financial Regulations

E - External Arrangements

Introduction

- E.1** The local authority provides a distinctive leadership role for the community and brings together the contributions of the various stakeholders. It must also act to achieve the promotion or improvement of the economic, social or environmental well-being of its area.

Partnerships

- E.2** The Executive is responsible for approving delegations, including frameworks for partnerships. The Executive is the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.
- E.3** The Executive can delegate functions, including those relating to partnerships, to officers. These are set out in the scheme of delegation that forms part of the authority's constitution. Where functions are delegated, the Executive remains accountable for them to the Full Council.
- E.4** The Monitoring Officer is responsible for promoting and maintaining the same high standards of conduct with regard to partnerships as those that apply throughout the authority.
- E.5** The Finance Director must ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory. He or she must also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies. Chief Officers must ensure that the risks have been fully appraised before agreements are entered into with external bodies.
- E.6** Chief Officers are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies.

External Funding

- E.7** The Finance Director is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the authority's accounts.

Work For Third Parties

- E.8** The Executive is responsible for approving the contractual arrangements for any work for third parties or external bodies.

Financial Procedure Rules

Appendix A - Financial Management

Financial Management Standards

Why are these Important?

- 1.01** All staff and Elected Members have a duty to abide by the highest standards of probity in dealing with financial issues. This is facilitated by ensuring everyone is clear about the standards to which they are working and the controls that are in place to ensure that these standards are met.

Key Controls

- 1.02** The key controls and control objectives for financial management standards are:
- (a) their promotion throughout the authority; and
 - (b) a monitoring system to review compliance with financial standards, and regular comparisons of performance indicators and benchmark standards that are reported to the Executive and Full Council.

Responsibilities of the Finance Director

- 1.03** To ensure the proper administration of the financial affairs of the authority.
- 1.04** To set the financial management standards and to monitor compliance with them.
- 1.05** To ensure proper professional practices are adhered to and to act as head of profession in relation to the standards, performance and development of finance staff throughout the authority.
- 1.06** To advise on the key strategic controls necessary to secure sound financial management.
- 1.07** To ensure that financial information is available to enable accurate and timely monitoring and reporting of comparisons of national and local financial performance indicators.

Responsibilities of Chief Officers

- 1.08** To promote the financial management standards set by the Finance Director in their departments and to monitor adherence to the standards and practices, liaising as necessary with the Finance Director.
- 1.09** To promote sound financial practices in relation to the standards, performance and development of staff in their departments.

Managing Expenditure

Scheme Of Virement (Revenue Expenditure)

Why is this Important?

- 1.10** The scheme of virement is intended to enable the Executive, Chief Officers and their staff to manage budgets with a degree of flexibility within the overall policy framework determined by the Full Council, and therefore to optimise the use of resources.

Key Controls

- 1.11** Key controls for the scheme of virement are:
- (a) It is administered by the Finance Director within guidelines set by the Audit and Standards Committee. Any variation from this scheme requires the approval of the Audit and Standards Committee;
 - (b) The overall budget is agreed by the Executive and approved by the Full Council. Chief Officers and budget managers are therefore authorised to incur expenditure in accordance with the estimates that make up the budget. The rules below cover virement; that is, switching resources between approved estimates or heads of expenditure;
 - (c) Virement does not create additional overall budget liability. Chief Officers are expected to exercise their discretion in managing their budgets responsibly and prudently. They should not support recurring expenditure from one-off sources of savings or additional income, or create future commitments, including full-year effects of decisions made part way through a year, without the prior approval of the Finance Director. Chief Officers must plan to fund such commitments from within their own budgets; and
 - (d) Any virement affecting an employee subjective budget head can only proceed with the authorisation of the Finance Director.

Responsibilities of the Finance Director

- 1.12** To monitor and record all virements, consulting with the Resources Portfolio Holder where virements in excess of £25,000 are proposed and seeking approval of the Executive for values in excess of £50,000.

Responsibilities of Chief Officers

- 1.13** A Chief Officer may exercise virement on budgets under his or her control for amounts up to £5,000 on any one budget head during the year, and up to £25,000 following approval of the Finance Director under arrangements agreed by the Audit and Standards Committee and subject to the conditions in paragraphs 1.15 to 1.17 below.
- 1.14** Amounts greater than £25,000 also require the approval of the relevant Portfolio Holder, and must specify the proposed expenditure and the source of funding, and must explain the implications in the current and future financial year.

- 1.15** Virements between budgets of different accountable Executive Members and between budgets managed by different Chief Officers for values >£5,000 will require the consent of all parties.
- 1.16** A virement that is likely to impact on the level of service activity of another Chief Officer should be implemented only after agreement with the relevant Chief Officer.
- 1.17** No virement relating to a specific financial year should be made after 31 March in that year.
- 1.18** Where an approved budget is a lump-sum budget or contingency intended for allocation during the year, its allocation will not be treated as a virement.

Treatment of Year-End Balances (Revenue and Capital)

Why is this Important?

- 1.19** The authority's scheme of virement includes the authority's treatment of year-end balances. It is administered by the Finance Director within guidelines set by the Audit and Standards Committee. Any variation from this scheme requires the approval of the Audit and Standards Committee.
- 1.20** The rules below cover arrangements for the transfer of resources between accounting years, ie a carry-forward. For the purposes of this scheme, a budget heading is a specific cost centre and subjective code combination, or, as a minimum, is at an equivalent level to the standard service subdivision as defined by CIPFA in its Service Expenditure Analysis.

Key Controls

- 1.21** Appropriate accounting procedures are in operation to ensure that carried-forward totals are correct.

Responsibilities of the Finance Director

- 1.22** To administer the scheme of carry-forward within the guidelines approved by the Audit and Standards Committee.
- 1.23** To report all over-spending and under-spending on service estimates carried forward to the Audit and Standards Committee.

Responsibilities of Chief Officers

- 1.24** Net underspendings on service estimates under the control of the Chief Officer may be carried forward, subject to the approval of the Finance Director. The source of underspending or additional income and the proposed application of those resources must be reported to the Audit and Standards Committee.

Accounting Policies

Why are these Important?

- 1.25** The Finance Director is responsible for the preparation of the authority's statement of accounts, in accordance with proper practices as set out in the format required by the Code of Practice on Local Authority Accounting in the United Kingdom for each financial year ending 31 March.

Key Controls

- 1.26** The key controls for accounting policies are:
- (a) systems of internal control are in place that ensure that financial transactions are lawful;
 - (b) suitable accounting policies are selected and applied consistently;
 - (c) proper accounting records are maintained; and
 - (d) financial statements are prepared which present a true and fair view of the financial position of the authority and its expenditure and income.

Responsibilities of the Finance Director

- 1.27** To select suitable accounting policies and to ensure that they are applied consistently. The accounting policies are set out in the statement of accounts, which is prepared at 31 March each year, and cover such items as:
- (a) Accruals of income and expenditure;
 - (b) Provisions;
 - (c) Reserves;
 - (d) Government grants and contributions;
 - (e) Retirement benefits;
 - (f) VAT;
 - (g) Overheads and support services;
 - (h) Intangible fixed assets;
 - (i) Tangible fixed assets;
 - (j) Charges to revenue for fixed assets;
 - (k) Revenue expenditure funded from capital under statute;
 - (l) Leases;
 - (m) Financial liabilities;
 - (n) Financial assets;
 - (o) Stocks and work in progress; and
 - (p) Interests in companies and other entities.

Responsibilities of Chief Officers

- 1.28** To adhere to the accounting policies and guidelines approved by the Finance Director.

Accounting Records And Returns

Why are these Important?

- 1.29** Maintaining proper accounting records is one of the ways in which the authority discharges its responsibility for stewardship of public resources. The authority has a statutory responsibility to prepare its annual accounts to present a true and fair view of its operations during the year. These are subject to External Audit. This audit provides assurance that the accounts are prepared properly, that proper accounting practices have been followed and that quality arrangements have been made for securing economy, efficiency and effectiveness in the use of the authority's resources.

Key Controls

- 1.30** The key controls for accounting records and returns are:
- (a) all Executive Members, finance staff and budget managers operate within the required accounting standards and timetables;
 - (b) all the authority's transactions, material commitments and contracts and other essential accounting information are recorded completely, accurately and on a timely basis;
 - (c) procedures are in place to enable accounting records to be reconstituted in the event of systems failure;
 - (d) reconciliation procedures are carried out to ensure transactions are correctly recorded; and
 - (e) prime documents are retained in accordance with legislative and other requirements.

Responsibilities of the Finance Director

- 1.31** To determine the accounting procedures and records to be kept for the authority.
- 1.32** To arrange for the compilation of all accounts and accounting records.
- 1.33** Wherever practicable, to comply with the principle of separation of duties when allocating accounting duties.
- 1.34** To make proper arrangements for the audit of the authority's accounts in accordance with the Accounts and Audit Regulations 2015.
- 1.35** To ensure that all claims for funds including grants are made by the due date.
- 1.36** To prepare and publish the audited accounts of the authority for each financial year, in accordance with the statutory timetable and ensure that the statement of accounts is approved by the Audit and Standards Committee by the statutory date.

- 1.37** To administer the authority's arrangements for under-spending to be carried forward to the following financial year.
- 1.38** To ensure the proper retention of financial documents in accordance with the requirements set out in the authority's document retention schedule.

Responsibilities of Chief Officers

- 1.39** To consult and obtain the approval of the Finance Director before making any changes to accounting records and procedures.
- 1.40** To comply with the principles outlined in paragraph 1.33 when allocating accounting duties.
- 1.41** To maintain adequate records to provide a management trail leading from the source of income/expenditure through to the accounting statements.
- 1.42** To supply information required to enable the statement of accounts to be completed in accordance with guidelines issued by the Finance Director.

The Annual Statement of Accounts

Why is this Important?

- 1.43** The authority has a statutory responsibility to prepare its own accounts to present a true and fair view of its operations during the year. The Audit and Standards Committee is responsible for approving the statutory annual statement of accounts.

Key Controls

- 1.44** The key controls for the annual statement of accounts are:
- (a) the authority is required to make arrangements for the proper administration of its financial affairs and to secure that one of its officers has the responsibility for the administration of these affairs. In this authority, that officer is the Finance Director.
 - (b) the authority's statement of accounts must be prepared in accordance with proper practices as set out in the Code of Practice on Local Authority Accounting in the United Kingdom

Responsibilities of the Finance Director

- 1.45** To select suitable accounting policies and to apply them consistently.
- 1.46** To make judgements and estimates that are reasonable and prudent.
- 1.47** To comply with the Code of Practice on Local Authority Accounting in the United Kingdom.
- 1.48** To keep proper accounting records that are up to date.

- 1.49** To sign and date the statement of accounts, stating that it presents a true and fair view of the financial position of the authority at the accounting date and its income and expenditure for the relevant year.
- 1.50** To draw up the timetable for final accounts preparation and to advise staff and External Auditors accordingly.

Responsibilities of Chief Officers

- 1.51** To comply with accounting guidance provided by the Finance Director and to supply the Finance Director with information when required.

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Financial Procedure Rules

Appendix B - Financial Planning

Performance Plans

Why are these Important?

2.01 Each local authority has a responsibility to publish various performance plans, including the Council Plan, the Local Plan and the Community Safety Partnership – Strategic Assessment. The purpose of performance plans is to explain overall priorities and objectives, current performance, and proposals for further improvement. Performance plans form part of the authority's programme of engaging with the public.

Key Controls

2.02 The key controls for performance plans are:

- (a) to ensure that all relevant plans are produced and that they are consistent;
- (b) to produce plans in accordance with statutory requirements;
- (c) to meet the timetables set;
- (d) to ensure that all performance information is accurate, complete and up to date; and
- (e) to provide improvement targets which are meaningful, realistic and challenging.

Responsibilities of the Finance Director

2.03 To advise and supply the financial information that needs to be included in performance plans in accordance with statutory requirements and agreed timetables.

2.04 To contribute to the development of corporate and service targets and performance information.

Responsibilities of the Corporate Director Communities

2.05 To ensure that systems are in place to measure activity and collect accurate information for use as performance indicators, identifying measurable impact, outputs and outcomes.

2.06 To ensure that performance information is monitored frequently to allow corrective action to be taken if targets are not likely to be met.

Responsibilities of Chief Officers

2.07 To contribute to the development of performance plans in line with statutory requirements.

- 2.08** To contribute to the development and monitoring of corporate and service targets and objectives and performance information.

Budgeting

Format of the Budget

Why is this Important?

- 2.09** The format of the budget influences the level of detail to which financial control and management will be exercised. The format shapes how the rules around virement operate, the operation of cash limits and sets the level at which funds may be reallocated within budgets.

Key Controls

- 2.10** The key controls for the budget format are:
- (a) the format complies with all legal requirements and proper accounting practices; and
 - (b) the format reflects accountability for service delivery.

Responsibilities of the Finance Director

- 2.11** To advise the Executive on the format of the budget that is approved by the Full Council.

Responsibilities of Chief Officers

- 2.12** To comply with accounting guidance provided by the Finance Director.

Revenue Budget Preparation, Monitoring and Control

Why is this Important?

- 2.13** Budget management ensures that once the budget has been approved by the Full Council, resources allocated are used for their intended purposes and are properly accounted for. Budgetary control is a continuous process, enabling the authority to review and adjust its budget targets during the financial year. It also provides the mechanism that calls to account managers responsible for defined elements of the budget.
- 2.14** By continuously identifying and explaining variances against budgetary targets, the authority can identify changes in trends and resource requirements at the earliest opportunity. The authority itself operates within an annual cash limit, approved when setting the overall budget. To ensure that the authority in total does not overspend, each service is required to manage its own expenditure within the cash-limited budget allocated to it.

- 2.15** For the purposes of budgetary control by managers, a budget will normally be the planned income and expenditure for a service area or cost centre. However, budgetary control may take place at a more detailed level if this is required.

Key Controls

- 2.16** The key controls for managing and controlling the revenue budget are:
- (a) budget managers should be responsible only for income and expenditure that they can influence;
 - (b) there is a nominated budget manager for each cost centre heading;
 - (c) budget managers accept accountability for their budgets and the level of service to be delivered and understand their financial responsibilities;
 - (d) budget managers follow an approved certification process for all expenditure;
 - (e) income and expenditure are properly recorded and accounted for; and
 - (f) performance levels/levels of service are monitored in conjunction with the budget and necessary action is taken to align service outputs and budget.

Responsibilities of the Finance Director

- 2.17** To establish an appropriate framework of budgetary management and control that ensures that:
- (a) budget management is exercised within annual cash limits unless the Full Council agrees otherwise;
 - (b) each Chief Officer has available timely information on receipts and payments on each budget which is sufficiently detailed to enable managers to fulfil their budgetary responsibilities;
 - (c) expenditure is committed only against an approved budget head;
 - (d) all officers responsible for committing expenditure comply with relevant guidance, and the financial regulations;
 - (e) each cost centre has a single named manager, determined by the relevant Chief Officer. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making processes that commits expenditure; and
 - (f) significant variances from approved budgets are investigated and reported by budget managers regularly.
- 2.18** To administer the authority's scheme of virement.
- 2.19** To submit reports to the Executive and to the Full Council, in consultation with the relevant Chief Officer, where a Chief Officer is unable to balance expenditure and resources within existing approved budgets under his or her control.

- 2.20** To prepare and submit reports on the authority's projected income and expenditure compared with the budget on a regular basis.

Responsibilities of Chief Officers

- 2.21** To maintain budgetary control within their departments, in adherence to the principles in 2.17, and to ensure that all income and expenditure are properly recorded and accounted for.
- 2.22** To ensure that an accountable budget manager is identified for each item of income and expenditure under the control of the Chief Officer (grouped together in a series of cost centres). As a general principle, budget responsibility should be aligned as closely as possible to the decision-making that commits expenditure.
- 2.23** To ensure that spending remains within the service's overall cash limit, and that individual budget heads are not overspent, by monitoring the budget and taking appropriate corrective action where significant variations from the approved budget are forecast.
- 2.24** To ensure that a monitoring process is in place to review performance levels/levels of service in conjunction with the budget and is operating effectively.
- 2.25** To provide information to the Finance Director to enable reports on the service's projected expenditure compared with its budget to be made to the Executive.
- 2.26** To ensure prior approval by the Full Council or Executive (as appropriate) for new proposals, of whatever amount, that:
- (a) create financial commitments in future years;
 - (b) change existing policies, initiate new policies or cease existing policies; and
 - (c) materially extend or reduce the authority's services.
- 2.27** To ensure compliance with the scheme of virement.
- 2.28** To agree with the relevant Chief Officer where it appears that a budget proposal, including a virement proposal, may impact materially on another service area or chief officer's level of service activity.

Budgets and Medium-Term Planning

Why is this Important?

- 2.29** The authority is a complex organisation responsible for delivering a wide variety of services. It needs to plan effectively and to develop systems to enable scarce resources to be allocated in accordance with carefully weighed priorities. The budget is the financial expression of the authority's plans and policies.

- 2.30** The revenue budget must be constructed so as to ensure that resource allocation properly reflects the service plans and priorities of the Full Council. Budgets (spending plans) are needed so that the authority can plan, authorise, monitor and control the way money is allocated and spent. It is illegal for an authority to budget for a deficit.
- 2.31** Medium-term planning involves a planning cycle which incorporates the current and four future years. As each year passes, another future year will be added to the medium-term plan. This ensures that the authority is always preparing for events in advance.

Key Controls

- 2.32** The key controls for budgets and medium-term planning are:
- (a) specific budget approval for all expenditure;
 - (b) budget managers are consulted in the preparation of the budgets for which they will be held responsible and accept accountability within delegations set by the Executive for their budgets and the level of service to be delivered; and
 - (c) a monitoring process is in place to review regularly the effectiveness and operation of budget preparation and to ensure that any corrective action is taken.

Responsibilities of the Finance Director

- 2.33** To prepare and submit reports on budget prospects for the Executive, including resource constraints set by the Government. Reports should take account of medium-term prospects, where appropriate.
- 2.34** To determine the detailed form of revenue estimates and the methods for their preparation, consistent with the budget approved by the Full Council, and after consultation with the Executive and Chief Officers.
- 2.35** To prepare and submit reports to the Executive on the aggregate spending plans of service units and on the resources available to fund them, identifying, where appropriate, the implications for the level of council tax to be levied.
- 2.36** To advise on the medium-term implications of spending decisions.
- 2.37** To encourage the best use of resources and value for money by working with Chief Officers to identify opportunities to improve economy, efficiency and effectiveness, and by encouraging good practice in conducting financial appraisals of development or savings options, and in developing financial aspects of service planning.
- 2.38** To advise the Full Council on Executive proposals in accordance with his or her responsibilities under section 151 of the Local Government Act 1972.

Responsibilities of Chief Officers

- 2.39** To prepare estimates of income and expenditure, in consultation with the Finance Director, to be submitted to the Executive.
- 2.40** To prepare budgets that are consistent with any relevant cash limits, with the authority's annual budget cycle and with guidelines issued by the Finance Director following agreement with the Executive. The format should be prescribed by the Finance Director.
- 2.41** To integrate financial and budget plans into service planning, so that budget plans can be supported by financial and non-financial performance measures.
- 2.42** In consultation with the Finance Director and in accordance with the laid-down guidance and timetable, to prepare detailed draft revenue and capital budgets for consideration by the appropriate committee.
- 2.43** When drawing up draft budget requirements, to have regard to:
- (a) spending patterns and pressures revealed through the budget monitoring process;
 - (b) legal requirements;
 - (c) policy requirements as defined by the Full Council in the approved policy framework; and
 - (d) initiatives already under way.

Resource Allocation

Why is this Important?

- 2.44** A mismatch often exists between available resources and required resources. A common scenario is that available resources are not adequate to fulfil need/desire. It is therefore imperative that needs/desires are carefully prioritised and that resources are fairly allocated, in order to fulfil all legal responsibilities. Resources may include staff, money, equipment, goods and materials.

Key Controls

- 2.45** The key controls for resource allocation are:
- (a) resources are acquired in accordance with the law and using an approved authorisation process;
 - (b) resources are used only for the purpose intended, to achieve the approved policies and objectives, and are properly accounted for;
 - (c) resources are securely held for use when required; and

- (d) resources are used with the minimum level of waste, inefficiency or loss for other reasons.

Responsibilities of the Finance Director

- 2.46** To advise on methods available for the funding of resources, such as grants from central government and borrowing requirements.
- 2.47** To assist in the allocation of resources to budget managers.

Responsibilities of Chief Officers

- 2.48** To work within budget limits and to utilise resources allocated, and further allocate resources, in the most efficient, effective and economic way.
- 2.49** To identify opportunities to minimise or eliminate resource requirements or consumption without having a detrimental effect on service delivery.

Capital Programmes

Why are these Important?

- 2.50** Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the authority, such as land, buildings, and major items of plant, equipment or vehicles. Capital assets shape the way services are delivered in the long term and create financial commitments for the future in the form of financing costs and revenue running costs.
- 2.51** Capital expenditure should form part of an investment strategy and should be carefully prioritised in order to maximise the benefit of scarce resources.

Key Controls

- 2.52** The key controls for capital programmes are:
- (a) a scheme and estimate, including project plan, progress targets and associated revenue expenditure is prepared for each capital project, for approval by the Executive;
 - (b) specific approval by the Full Council for the programme of capital expenditure;
 - (c) expenditure on capital schemes is subject to the approval of the relevant Portfolio Holder prior to scheme commencement;
 - (d) proposals for improvements and alterations to buildings must be approved by the Corporate Property Officer;
 - (e) schedules for individual schemes within the overall budget approved by the Full Council must be submitted to the relevant Portfolio Holder for approval (for example, refurbishment of playgrounds);

- (f) the development and implementation of asset management plans;
- (g) accountability for each proposal is accepted by a named manager; and
- (h) monitoring of progress in conjunction with expenditure and comparison with approved budget.

Responsibilities of the Finance Director

- 2.53** To prepare capital estimates jointly with Chief Officers and the Head of Paid Service and to report them to the Executive for approval. The Executive will make recommendations on the capital estimates and on any associated financing requirements to the Full Council.
- 2.54** To prepare and submit reports to the Executive on the projected income, expenditure and resources compared with the approved estimates.
- 2.55** To issue guidance concerning capital schemes and controls, for example, on project appraisal techniques. The definition of 'capital' will be determined by the Finance Director, having regard to government regulations and accounting requirements.
- 2.56** To obtain authorisation from the Executive for individual schemes where the estimated expenditure exceeds the capital programme provision by more than a specified amount.

Responsibilities of Chief Officers

- 2.57** To comply with guidance concerning capital schemes and controls issued by the Finance Director.
- 2.58** To ensure that where appropriate all capital projects are supported by a business case.
- 2.59** To prepare regular reports reviewing the capital programme provisions for their services including three reports a year showing the estimated final costs of schemes in the current year's approved capital programme for submission to the Executive as part of the performance management framework.
- 2.60** To ensure that adequate records are maintained for all capital contracts.
- 2.61** To proceed with projects only when there is adequate provision in the capital programme and with the agreement of the relevant Portfolio Holder.
- 2.62** To prepare and submit reports, jointly with the Finance Director, to the Executive, of any material variation in contract costs whereby the quotation or tender to be accepted exceeds the provision in the capital programme by more than the approved limit of 10% and where approval conditions in 2.63 to 2.65 cannot be met.

- 2.63** The Finance Director may approve increased costs on an individual scheme within the approved Capital Programme to a maximum of £50,000 provided that it is funded by a virement of resources from another scheme in the Capital Programme (provided that the specification remains consistent with the original overall objectives of the scheme and that the expenditure continues to deliver best value for money for the Council) or new external funding.
- 2.64** The Resources Portfolio Holder may approve increased costs on an individual scheme to a maximum of £100,000 provided that it is funded from a virement of resources from one scheme to another within the approved Capital Programme or new external funding (provided that the specification remains consistent with the original overall objectives of the scheme and that the expenditure continues to deliver best value for money for the Council).
- 2.65** The Cabinet may approve increased costs on an individual scheme up to a maximum of £250,000 provided that it is funded from a virement of resources from one scheme to another within the approved Capital Programme or new external funding (provided that the specification remains consistent with the original overall objectives of the scheme and that the expenditure continues to deliver best value for money for the Council).
- 2.66** To ensure that credit arrangements, such as leasing agreements, are not entered into without the prior approval of the Finance Director and, if applicable, approval of the scheme through the capital programme.

Maintenance of Reserves

Why is this Important?

- 2.67** The local authority must decide the level of general reserves it wishes to maintain before it can decide the level of council tax. Reserves are maintained as a matter of prudence. They enable the authority to provide for unexpected events and thereby protect it from overspending, should such events occur. Reserves for specific purposes may also be maintained, such as the purchase or renewal of IT equipment.

Key Controls

- 2.68** To maintain reserves in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom and agreed accounting policies.
- 2.69** For each reserve established, the purpose, usage and basis of transactions should be clearly identified.
- 2.70** Authorisation and expenditure from reserves by the appropriate Chief Officer in consultation with the Finance Director.

Responsibilities of the Finance Director

- 2.71** To advise the Executive and/or the Full Council on prudent levels of reserves for the authority, and to take account of the advice of the External Auditor in this matter.

Responsibilities of Chief Officers

- 2.72** To ensure that resources are used only for the purposes for which they were intended.

Financial Procedure Rules

Appendix C - Risk Management and Control of Resources

Risk Management

Why is this Important?

- 3.01** All organisations, whether private or public sector, face risks to people, property and continued operations. Risk is the chance or possibility of loss, damage, injury or failure to achieve objectives caused by an unwanted or uncertain action or event. Risk management is the planned and systematic approach to the identification, evaluation and control of risk. Its objectives are to secure the assets of the organisation and to ensure the continued financial and organisational well-being of the organisation. In essence it is, therefore, an integral part of good business practice. Risk management is concerned with evaluating the measures an organisation already has in place to manage identified risks and then recommending the action the organisation needs to take to control these risks effectively.
- 3.02** It is the overall responsibility of the Audit and Standards Committee to approve the authority's Risk Management Policy, and to promote a culture of risk management awareness throughout the authority.

Key Controls

- 3.03** The key controls for risk management are:
- (a) procedures are in place to identify, assess, prevent or contain material known risks, and these procedures are operating effectively throughout the authority;
 - (b) a monitoring process is in place to review regularly the effectiveness of risk reduction strategies and the operation of these controls. The risk management process should be conducted on a continuing basis;
 - (c) managers know that they are responsible for managing relevant risks and are provided with relevant information on risk management initiatives;
 - (d) provision is made for losses that might result from the risks that remain;
 - (e) procedures are in place to investigate insurance claims within required timescales;
 - (f) acceptable levels of risk are determined and insured against where appropriate; and
 - (g) the authority has identified business continuity plans for implementation in the event of disaster that results in significant loss or damage to its resources.

Responsibilities of the Finance Director

- 3.04** To prepare and promote the authority's Risk Management Policy.
- 3.05** To develop risk management controls in conjunction with other Chief Officers.
- 3.06** To include all appropriate employees of the authority in a suitable fidelity guarantee insurance.
- 3.07** To effect corporate insurance cover, through external insurance and internal funding, and to negotiate all claims in consultation with other officers, where necessary.

Responsibilities of Chief Officers

- 3.08** To notify the Finance Director immediately of any loss, liability or damage that may lead to a claim against the authority, together with any information or explanation required by the Finance Director or the authority's insurers.
- 3.09** To take responsibility for risk management, having regard to advice from the Finance Director and other specialist officers (e.g. crime prevention, fire prevention, health and safety and the Audit and Risk Management Section).
- 3.10** To ensure that there are regular reviews of risk within their service units.
- 3.11** To notify the Finance Director promptly of all new risks, properties or vehicles that require insurance and of any alterations affecting existing insurances.
- 3.12** To consult the Finance Director and the Legal Services Manager on the terms of any indemnity that the authority is requested to give.
- 3.13** To ensure that employees, or anyone covered by the authority'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.

Internal Controls

Why are these Important?

- 3.14** The authority is complex and beyond the direct control of individuals. It therefore requires internal controls to manage and monitor progress towards strategic objectives.
- 3.15** The authority has statutory obligations, and, therefore, requires internal controls to identify, meet and monitor compliance with these obligations.
- 3.16** The authority faces a wide range of financial, administrative and commercial risks, both from internal and external factors, which threaten the achievement of its objectives. Internal controls are necessary to manage these risks.
- 3.17** The system of internal controls is established in order to provide measurable achievement of:

- (a) efficient and effective operations;
- (b) reliable financial information and reporting;
- (c) compliance with laws and regulations; and
- (d) risk management.

Key Controls

3.18 The key controls and control objectives for internal control systems are:

- (a) key controls should be reviewed on a regular basis and the authority should make a formal statement annually to the effect that it is satisfied that the systems of internal control are operating effectively;
- (b) managerial control systems, including defining policies, setting objectives and plans, monitoring financial and other performance and taking appropriate anticipatory and remedial action. The key objective of these systems is to promote ownership of the control environment by defining roles and responsibilities;
- (c) financial and operational control systems and procedures, which include physical safeguards for assets, segregation of duties, authorisation and approval procedures and information systems; and
- (d) an effective Internal Audit function that is properly resourced. It should operate in accordance with the principles contained in CIPFA's Public Sector Internal Audit Standards and Local Government Application Note and with any other statutory obligations and regulations.

Responsibilities of the Finance Director

3.19 To assist the authority to put in place an appropriate control environment and effective internal controls which provide reasonable assurance of effective and efficient operations, financial stewardship, probity and compliance with laws and regulations.

Responsibilities of Chief Officers

3.20 To manage processes to check that established controls are being adhered to and to evaluate their effectiveness, in order to be confident in the proper use of resources, achievement of objectives and management of risks.

3.21 To review existing controls in the light of changes affecting the authority and to establish and implement new ones in line with guidance from the Finance Director. Chief Officers should also be responsible for removing controls that are unnecessary or not cost or risk effective – for example, because of duplication.

3.22 To ensure staff have a clear understanding of the consequences of lack of control.

Audit Requirements

Internal Audit

Why is this Important?

- 3.23** The requirement for an Internal Audit function for local authorities is implied by Section 151 of the Local Government Act 1972, which requires that authorities “make arrangements for the proper administration of their financial affairs”. The Accounts and Audit Regulations 2015 require that a “relevant authority must undertake an effective Internal Audit to evaluate the effectiveness of its risk management, control and governance processes, taking into account Public Sector Internal Auditing Standards or guidance”.
- 3.24** Accordingly, Internal Audit is an independent appraisal function established by the authority for the review of the internal control system as a service to the organisation. It objectively examines, evaluates and reports on the adequacy of internal control as a contribution to the proper, economic, efficient and effective use of resources.

Key Controls

- 3.25** The key controls for Internal Audit are:
- (a) that it is independent in its planning and operation;
 - (b) the Head of Internal Audit has direct access to the Head of Paid Service, all levels of management and Elected Members; and
 - (c) the Internal Auditors comply with the auditing practices in the Public Sector Internal Audit Standards and CIPFA’s Local Government Application Note for the United Kingdom Public Sector Internal Audit.

Responsibilities of the Finance Director

- 3.26** To ensure that Internal Auditors have the authority to:
- (a) access authority premises at reasonable times;
 - (b) access all assets, records, documents, correspondence and control systems;
 - (c) receive any information and explanation considered necessary concerning any matter under consideration;
 - (d) require any employee of the authority to account for cash, stores or any other authority asset under his or her control;
 - (e) access records belonging to third parties, such as contractors and organisations for which the authority acts as the accountable body, when required; and

- (f) directly access the Head of Paid Service, the Executive, the Audit and Standards Committee as and when necessary.

- 3.27** To approve the strategic and annual audit plans prepared by the Head of Internal Audit, which take account of the characteristics and relative risks of the activities involved.
- 3.28** To ensure that effective procedures are in place to investigate promptly any fraud or irregularity.

Responsibilities of Chief Officers

- 3.29** To ensure that Internal Auditors are given access at all reasonable times to premises, personnel, documents and assets that the auditors consider necessary for the purposes of their work.
- 3.30** To ensure that auditors are provided with any information and explanations that they seek in the course of their work.
- 3.31** To consider and respond promptly to findings in audit reports.
- 3.32** To ensure that any agreed actions arising from audit findings are carried out in a timely and efficient fashion.
- 3.33** To notify the Finance Director immediately of any suspected fraud, theft, irregularity, improper use or misappropriation of the authority's property or resources. Pending investigation and reporting, the Chief Officer should take all necessary steps to prevent further loss and to secure records and documentation against removal or alteration.
- 3.34** To ensure that new systems for maintaining financial records, or records of assets, or changes to such systems, are discussed with and agreed by the Head of Internal Audit prior to implementation.

External Audit

Why is this Important?

- 3.35** The work of the Public Sector Audit Appointments Ltd (PSAA) and its appointed auditors is carried out in accordance with the provisions of the Local Audit and Accountability Act 2014 and the Code of Audit Practice 2015 (the Code). Responsibility for the conduct of the audit remains, at all times, that of the appointed auditor.
- 3.36** The Code prescribes the way in which auditors of local government bodies, as defined in Schedule 2 of the Local Audit and Accountability Act 2014, appointed by the PSAA should carry out their functions under the Act.
- 3.37** Auditors' principal objectives are to review and report on, to the extent required by the relevant legislation and the requirements of this Code: (a) the audited body's financial statements and (b) whether the audited body has made proper arrangements for securing economy, efficiency and effectiveness in its use of resources.

Key Controls

- 3.38** Prior to 1 April 2018, External Auditors were appointed by the Audit Commission. From the financial year 2018/19, External Auditors are normally appointed by Public Sector Audit Appointments Ltd (PSAA) for a minimum period of five years. The National Audit Office prepares a code of audit practice, which External auditors follow when carrying out their audits.

Responsibilities of the Finance Director

- 3.39** To ensure that External Auditors are given access at all reasonable times to premises, personnel, documents and assets that the External Auditors consider necessary for the purposes of their work.
- 3.40** To ensure there is effective liaison between External and Internal Audit.
- 3.41** To work with the External Auditor and advise the Full Council, Executive, the Audit and Standards Committee and Chief Officers on their responsibilities in relation to External Audit.

Responsibilities of Chief Officers

- 3.42** To ensure that External Auditors are given access at all reasonable times to premises, personnel, documents and assets which the External Auditors consider necessary for the purposes of their work.
- 3.43** To ensure that all records and systems are up to date and available for inspection.

Preventing Fraud and Corruption

Why is this Important?

- 3.44** The authority will not tolerate fraud and corruption in the administration of its responsibilities, whether from inside or outside the authority.
- 3.45** The authority's expectation of propriety and accountability is that Elected Members and staff at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures and practices.
- 3.46** The authority also expects that individuals and organisations (e.g. suppliers, contractors, service providers) with whom it comes into contact will act towards the authority with integrity and without thought or actions involving fraud and corruption.

Key Controls

- 3.47** The key controls regarding the prevention of financial irregularities are that:
- (a) the authority has a number of effective anti-fraud policies and maintains a culture that will not tolerate fraud, bribery or corruption;
 - (b) all Elected Members and staff act with integrity and lead by example;

- (c) senior managers are required to deal swiftly and firmly with those who defraud or attempt to defraud the authority or who are corrupt;
- (d) high standards of conduct are promoted amongst Elected Members by the Audit and Standards Committee;
- (e) the maintenance of a register of gifts, hospitality and interests in which any hospitality or gifts accepted or provided must be recorded;
- (f) whistle blowing procedures are in place and operate effectively; and
- (g) legislation including the Money Laundering and Terrorist Financing (Amendment) Regulations 2022 and the Public Interest Disclosure Act 1998 is adhered to.

Responsibilities of the Finance Director

- 3.48** To develop and maintain effective counter fraud, bribery and corruption arrangements.
- 3.49** To maintain adequate and effective internal control arrangements.
- 3.50** To ensure that all suspected irregularities are reported to the Head of Internal Audit, the Head of Paid Service, the Monitoring Officer and the Audit and Standards Committee.

Responsibilities of Chief Officers

- 3.51** To ensure that all suspected irregularities are reported to the Finance Director.
- 3.52** To instigate the authority's disciplinary procedures where the outcome of an audit investigation indicates improper behaviour.
- 3.53** To ensure that where financial impropriety is discovered, the Finance Director is informed, and where sufficient evidence exists to believe that a criminal offence may have been committed, the police are called in to determine with the Crown Prosecution Service whether any prosecution will take place.
- 3.54** To ensure compliance with the 'Employee Code of Conduct' and maintain a register of both financial and non-financial interests declared by employees which they consider could bring them into conflict with the Authority's interests.
- 3.55** To ensure that gifts and hospitality received and provided by employees is recorded in accordance with the employee 'Code of Conduct'.

Assets

Security

Why is this Important?

- 3.56** The authority holds assets in the form of property, vehicles, equipment, furniture and other items worth many millions of pounds. It is important that assets are

safeguarded and used efficiently in service delivery, and that there are arrangements for the security of both assets and information required for service operations. An up-to-date asset register is a prerequisite for proper fixed asset accounting and sound asset management.

Key Controls

- 3.57** The key controls for the security of resources such as land, buildings, fixed plant machinery, equipment, software and information are:
- (a) resources are used only for the purposes of the authority and are properly accounted for;
 - (b) resources are available for use when required;
 - (c) resources no longer required are disposed of in accordance with the law and the regulations of the authority so as to maximise benefits;
 - (d) an asset register is maintained for the authority, assets are recorded when they are acquired by the authority and this record is updated as changes occur with respect to the location and condition of the asset;
 - (e) all staff are aware of their responsibilities with regard to safeguarding the authority's assets and information, including the requirements of the Data Protection Act 2018, the UK General Data Protection Regulations (GDPR) and software copyright legislation; and
 - (f) all staff are aware of their responsibilities with regard to safeguarding the security of the authority's computer systems, including maintaining restricted access to the information held on them and compliance with the authority's Computer Use Policy and User Agreement.

Responsibilities of the Finance Director

- 3.58** To ensure that an asset register is maintained in accordance with good practice. The function of the asset register is to provide the authority with information about fixed assets so that they are:

- safeguarded;
- used efficiently and effectively; and
- adequately maintained.

An inventory of IT equipment is also maintained although not formally included within the asset register for accounting purposes.

- 3.59** To receive the information required for accounting, costing and financial records from each Chief Officer.

- 3.60** To ensure that assets are valued in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom.

Responsibilities of Chief Officers

- 3.61** The Corporate Property Officer shall maintain a property database for all land and property currently owned or used by the authority. Any use of land or property should be supported by documentation identifying terms, responsibilities and duration of use. Following IFR16, all lease agreements must be notified to the financial services team to ensure correct accounting treatment is followed.
- 3.62** To ensure that lessees and other occupiers of council land and property are not allowed to take possession or enter the land or property until a lease or agreement, in a form approved by the Corporate Property Officer in consultation with the Legal Services Team and Financial Services Team, has been completed.
- 3.63** To ensure the proper security of all buildings and other assets under their control.
- 3.64** Where land or buildings are surplus to requirements, a recommendation for sale should be the subject of a joint report by the Corporate Property Officer and the Finance Director.
- 3.65** To pass title deeds to the Legal Services Team who are responsible for custody of all title deeds.
- 3.66** To ensure that no authority asset is subject to personal use by an employee without proper authority.
- 3.67** To ensure the safe custody of vehicles, equipment, furniture, stock, stores and other property belonging to the authority.
- 3.68** To ensure that the Council maintains a register of moveable assets in accordance with arrangements defined by the Finance Director.
- 3.69** To ensure that assets are identified, their location recorded and that they are appropriately marked and insured.
- 3.70** To consult the Finance Director in any case where security is thought to be defective or where it is considered that special security arrangements may be needed.
- 3.71** To ensure cash holdings on premises are kept to a minimum.
- 3.72** To ensure that keys to safes and similar receptacles are kept secure at all times; loss of any such keys must be reported to the Finance Director as soon as possible.
- 3.73** To record all disposal or part exchange of assets that should normally be by competitive tender or public auction, unless, following consultation with the Finance Director, the Executive agrees otherwise.
- 3.74** To arrange for the valuation of assets for accounting purposes to meet requirements specified by the Finance Director.

- 3.75** To ensure that all employees are aware that they have a personal responsibility with regard to the protection and confidentiality of information, whether held in manual or computerised records. Information may be sensitive or privileged, or may possess some intrinsic value, and its disclosure or loss could result in a cost to the authority in some way.

Inventories

- 3.76** To maintain inventories and record an adequate description of equipment, plant and machinery. All assets, excluding IT equipment and office furniture, with either a purchase price (if known) or an approximate replacement value of over £350 should be notified to the Head of Internal Audit for insurance purposes.
- 3.77** To carry out an annual check of all items on the inventory in order to verify location, review condition and to take action in relation to surpluses or deficiencies, annotating the inventory accordingly. Attractive and portable items such as computers, cameras and video recorders should be identified with security markings as belonging to the authority.
- 3.78** To make sure that property is only used in the course of the authority's business, unless the Chief Officer concerned has given permission otherwise.
- 3.79** To make arrangements for the care and custody of stocks and stores in the department.
- 3.80** To ensure stocks are maintained at reasonable levels and are subject to a regular independent physical check. All discrepancies should be investigated and pursued to a satisfactory conclusion.
- 3.81** To investigate and remove from the authority's records (i.e. write off) discrepancies below the predetermined limit of £250, immediately notifying the Finance Director.
- 3.82** Procedures for disposal of redundant stocks and equipment should be by competitive quotations or auction, unless, an alternative approach has been agreed with the Finance Director.
- 3.83** To seek approval from the Finance Director to the write-off of redundant stocks and equipment in excess of the predetermined sum of £250.

Intellectual Property

Why is this Important?

- 3.84** Intellectual property is a generic term that includes inventions and writing. If these are created by the employee during the course of employment, then, as a general rule, they belong to the employer, not the employee. Various acts of Parliament cover different types of intellectual property.
- 3.85** Certain activities undertaken within the authority may give rise to items that may be patentable, for example, software development. These items are collectively known as intellectual property.

Key Controls

- 3.86** In the event that the authority decides to become involved in the commercial exploitation of inventions, the matter should proceed in accordance with the authority's approved intellectual property procedures.

Responsibilities of the Finance Director

- 3.87** To develop and disseminate good practice through the authority's intellectual property procedures.

Responsibilities of Chief Officers

- 3.88** To ensure that controls are in place to ensure that staff do not carry out private work in council time and that staff are aware of an employer's rights with regard to intellectual property.

Asset Disposal

Why is this Important?

- 3.89** It would be uneconomic and inefficient for the cost of assets to outweigh their benefits. Obsolete, non-repairable or unnecessary resources should be disposed of in accordance with the law and the authority's procedure rules.

Key Controls

- 3.90** Assets for disposal are identified and are disposed of at the most appropriate time, and only when it is in the best interests of the authority, and best price is obtained, bearing in mind other factors, such as environmental issues. For items of significant value, disposal should be by competitive tender or public auction.
- 3.91** Procedures protect staff involved in the disposal from accusations of personal gain.

Responsibilities of the Finance Director

- 3.92** To issue guidance regarding best practice for disposal of assets.
- 3.93** To ensure appropriate accounting entries are made to remove the value of disposed assets from the authority's records and to include the sale proceeds if appropriate.

Responsibilities of Chief Officers

- 3.94** To seek advice from purchasing advisors on the disposal of surplus or obsolete materials, stores or equipment. Advice from the Legal Services Team should be sought for any land disposals.
- 3.95** To ensure that income received for the disposal of an asset is properly banked and coded.

Treasury Management

Why is this Important?

- 3.96** Many millions of pounds pass through the authority's books each year. This led to the establishment of codes of practice. The guidance states that the investment priorities for local authorities must be firstly, the security of the investment and secondly, the liquidity of the asset. Only when these two priorities have been satisfied should the local authority seek to maximise the return on investment.

Key Controls

- 3.97** That the authority's borrowings and investments comply with the CIPFA Code of Practice on Treasury Management and with the authority's Treasury Management Policy Statement.

Responsibilities of Finance Director – Treasury Management and Banking

- 3.98** To arrange the borrowing and investments of the authority in such a manner as to comply with the CIPFA Code of Practice on Treasury Management and the authority's Treasury Management Policy Statement.
- 3.99** To report the following, as a minimum, in relation to treasury management activities to the Executive:
- a Capital Strategy and Treasury Management and Annual Investment Strategy before the commencement of the new financial year;
 - a mid year review;
 - an annual report on treasury management activity before the 30 September after the year end to which it relates; and
 - the outcome of debt rescheduling undertaken reported as soon as possible after completion of the exercise.
- 3.100** To operate such bank accounts as are considered necessary – opening or closing any bank account shall require the approval of the Finance Director.

Responsibilities of Chief Officers – Treasury Management and Banking

- 3.101** To follow the instructions on banking issued by the Finance Director.

Responsibilities of Finance Director – Investments and Borrowing

- 3.102** To ensure that all investments of money are made in the name of the authority or in the name of nominees approved by the Full Council.
- 3.103** To ensure that all securities that are the property of the authority or its nominees and the title deeds of all property in the authority's ownership are held in the custody of the appropriate Chief Officer.
- 3.104** To effect all borrowings in the name of the authority.

- 3.105** To act as the authority's registrar of stocks, bonds and mortgages and to maintain records of all borrowing of money by the authority.

Responsibilities of Chief Officers – Investments and Borrowing

- 3.106** To ensure that loans are not made to third parties and that interests are not acquired in companies, joint ventures or other enterprises without the approval of the Full Council, following consultation with the Finance Director. The only exception to this rule is where a Parish or Town Council (within Wyre), request a short-term loan (not exceeding 12 months) for a value of £50,000 or less. Any agreement needs to be in consultation with the Finance Director and the Legal Services Manager.

Responsibilities of Chief Officers – Trust Funds and Funds Held for Third Parties

- 3.107** To arrange for all trust funds to be held, wherever possible, in the name of the authority. All officers acting as trustees by virtue of their official position shall deposit securities, etc. relating to the trust with the Finance Director, unless the deed otherwise provides.
- 3.108** To arrange, where funds are held on behalf of third parties, for their secure administration, approved by the Finance Director, and to maintain written records of all transactions.
- 3.109** To ensure that trust funds are operated within any relevant legislation and the specific requirements for each trust.

Responsibilities of the Finance Director – Imprest Accounts

- 3.110** To provide employees of the authority with cash or bank imprest accounts to meet minor expenditure on behalf of the authority and to prescribe rules for operating these accounts. Minor items of expenditure should not exceed the prescribed amount of £50.
- 3.111** To determine the petty cash limit and to maintain a record of all transactions and petty cash advances made, and periodically to review the arrangements for the safe custody and control of these advances.
- 3.112** To reimburse imprest holders as often as necessary to restore the imprests, but normally not more than monthly.

Responsibilities of Chief Officers – Imprest Accounts

- 3.113** To ensure that employees operating an imprest account:
- (a) obtain and retain vouchers to support each payment from the imprest account. Where appropriate, an official receipted VAT invoice must be obtained;
 - (b) make adequate arrangements for the safe custody of the imprest account;

- (c) produce upon demand by the Finance Director cash and all vouchers to the total value of the imprest amount;
- (d) record transactions promptly;
- (e) reconcile and balance the imprest account at least monthly; reconciliation sheets to be signed and retained by the imprest account holder;
- (f) provide the Finance Director with a certificate of the value of the imprest account held at 31 March each year;
- (g) ensure that the float is never used to cash personal cheques or to make personal loans and that the only payments into the account are the reimbursement of the float and change relating to purchases where an advance has been made; and
- (h) on leaving the authority's employment or otherwise ceasing to be entitled to hold an imprest advance, an employee shall account to the Finance Director for the amount advanced to him or her.

Staffing

Why is this Important?

3.114 In order to provide the highest level of service, it is crucial that the authority recruits and retains high calibre, knowledgeable staff, qualified to an appropriate level.

Key Controls

3.115 The key controls for staffing are:

- (a) ensuring that staffing requirements and budget allocation are matched;
- (b) procedures are in place for forecasting staffing requirements and cost;
- (c) controls are implemented that ensure that staff time is used efficiently and to the benefit of the authority; and
- (d) checks are undertaken prior to employing new staff to ensure that they are appropriately qualified, experienced and trustworthy.

Responsibilities of the Finance Director

3.116 To ensure that budget provision exists for all existing and new employees.

3.117 To act as an advisor to Chief Officers on areas such as National Insurance and pension contributions, as appropriate.

Responsibilities of Chief Officers

3.118 To ensure that the staffing budget is an accurate forecast of staffing levels and is equated to an appropriate revenue budget provision (including on-costs and overheads).

- 3.119** To monitor staff activity to ensure adequate control over such costs as sickness, overtime, training and temporary staff.
- 3.120** To ensure that the staffing budget is not exceeded without due authority and that it is managed to enable the agreed level of service to be provided.
- 3.121** To ensure that the Finance Director is immediately informed if the staffing budget is likely to be materially over or under-spent.

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Financial Procedure Rules

Appendix D - Financial Systems And Procedures

General

Why is this Important?

- 4.01** The Council has many systems and procedures relating to the control of the authority's assets, including purchasing, costing and management systems and is increasingly reliant on computers for financial management information. The information must therefore be accurate and the systems and procedures sound and well administered. They should contain controls to ensure that transactions are properly processed and errors detected promptly.
- 4.02** The Finance Director has both a professional and a statutory responsibility to ensure that the authority's financial systems are sound and should therefore be notified of any new developments or changes.

Key Controls

- 4.03** The key controls for systems and procedures are:
- (a) basic data exists to enable the authority's objectives, targets, budgets and plans to be formulated;
 - (b) performance is communicated to the appropriate managers on an accurate, complete and timely basis;
 - (c) early warning is provided of deviations from target, plans and budgets that require management attention; and
 - (d) operating systems and procedures are secure.

Responsibilities of the Finance Director

- 4.04** To make arrangements for the proper administration of the authority's financial affairs, including to:
- (a) issue advice, guidance and procedures for officers and others acting on the authority's behalf;
 - (b) determine the accounting systems, form of accounts and supporting financial records;
 - (c) establish arrangements for audit of the authority's financial affairs;
 - (d) approve any new financial systems to be introduced; and
 - (e) approve any changes to be made to existing financial systems.

Responsibilities of Chief Officers

- 4.05** To ensure that accounting records are properly maintained and held securely.
- 4.06** To ensure that vouchers and documents with financial implications are not destroyed, except in accordance with arrangements approved by the Finance Director.
- 4.07** To ensure that a complete management trail, allowing financial transactions to be traced from the accounting records to the original document, and vice versa, is maintained.
- 4.08** To incorporate appropriate controls to ensure that, where relevant:
- (a) all input is genuine, complete, accurate, timely and not previously processed;
 - (b) all processing is carried out in an accurate, complete and timely manner; and
 - (c) output from the system is complete, accurate and timely.
- 4.09** To ensure that the organisational structure provides for an appropriate segregation of duties to provide adequate internal controls and to minimise the risk of fraud or other malpractice.
- 4.10** To ensure there are documented and tested individual Business Contingency plans to allow information system processing and council services to resume quickly in the event of an interruption and that they be tested regularly.
- 4.11** To ensure that systems are documented and staff trained in their operation.
- 4.12** To consult with the Finance Director before changing any existing system or introducing new systems.
- 4.13** To establish a scheme of delegation identifying officers authorised to act upon the Chief Officer's behalf in respect of payments, income collection and placing orders, and showing the limits of their authority.
- 4.14** To supply lists of authorised officers, with specimen signatures and delegated limits, to the Finance Director, together with any subsequent variations.
- 4.15** To ensure that effective contingency arrangements, including back-up procedures, exist for computer systems. Wherever possible, back-up information should be securely retained in a fireproof location, preferably off site or at an alternative location within the building.
- 4.16** To ensure that, where appropriate, computer systems are registered in accordance with data protection legislation and that staff are aware of their responsibilities under the legislation.

- 4.17** To ensure that relevant standards and guidelines for computer systems are observed.
- 4.18** To ensure that computer equipment and software are protected from loss and damage through theft, vandalism, etc.
- 4.19** To comply with the copyright, designs and patents legislation and, in particular, to ensure that:
- (a) only software legally acquired and installed by the authority is used on its computers;
 - (b) staff are aware of legislative provisions; and
 - (c) in developing systems, due regard is given to the issue of intellectual property rights.

Income and Expenditure

Income

Why is this Important?

- 4.20** Income can be a vulnerable asset and effective income collection systems are necessary to ensure that all income due is identified, collected, receipted and banked properly. It is preferable to obtain income in advance of supplying goods or services as this improves the authority's cash flow and also avoids the time and cost of administering debts.

Key Controls

- 4.21** The key controls for income are:
- (a) all income due to the authority is identified and charged correctly, in accordance with an approved charging policy, which is regularly reviewed;
 - (b) all income is collected from the correct person, at the right time, using the correct procedures and the appropriate stationery;
 - (c) all money received by an employee on behalf of the authority is paid without delay to the Finance Director or, as he or she directs, to the authority's bank account, and properly recorded. The responsibility for cash collection should be separated from that:
 - for identifying the amount due; and
 - for reconciling the amount due to the amount received.
 - (d) effective action is taken to pursue non-payment within defined timescales;
 - (e) formal approval for debt write-off is obtained;
 - (f) appropriate write-off action is taken within defined timescales;

- (g) appropriate accounting adjustments are made following write-off action;
- (h) all appropriate income documents are retained and stored for the defined period in accordance with the document retention schedule; and
- (i) money collected and deposited is reconciled to the bank account by a person who is not involved in the collection or banking process.

Responsibilities of the Finance Director

- 4.22** To agree arrangements for the collection of all income due to the authority and to approve the procedures, systems and documentation for its collection.
- 4.23** To approve the form of all receipt forms, books or tickets and similar items and to satisfy himself or herself regarding the arrangements for their control.
- 4.24** To establish and initiate appropriate recovery procedures, including legal action where necessary, for debts that are not paid promptly.
- 4.25** To record and approve the write-off of bad debts without limit and to report these to the relevant Executive Member in cases where:
 - a) the debt has been remitted by the Magistrates under the provisions of regulation 48(3) of the Council Tax (Administrative and Enforcement) Regulations, 1992, or
 - b) the debt is the subject of an insolvency/bankruptcy and the Council has submitted a relevant claim covering the outstanding debt.
- 4.26** To record and approve the write-off of bad debts not covered by 4.25 and to report these to the relevant Executive Member.
- 4.27** To ensure that appropriate accounting adjustments are made following write-off action.

Responsibilities of Chief Officers

- 4.28** To establish a charging policy for the supply of goods or services, including the appropriate charging of VAT, and to review it regularly, in line with corporate policies.
- 4.29** To separate the responsibility for identifying amounts due and the responsibility for collection, as far as is practicable.
- 4.30** To issue official receipts or to maintain other documentation for income collection.
- 4.31** To hold securely receipts, tickets and other records of income for the appropriate period.
- 4.32** To lock away all income to safeguard against loss or theft, and to ensure the security of cash handling.

- 4.33** To ensure that income is paid fully and promptly into the appropriate authority bank account in the form in which it is received. Appropriate details should be recorded on paying-in slips to provide an audit trail. Money collected and deposited must be reconciled to the bank account on a regular basis.
- 4.34** To ensure income is not used to cash personal cheques or other payments.
- 4.35** To supply the Finance Director with details relating to work done, goods supplied, services rendered or other amounts due, to enable the Finance Director to record correctly the sums due to the authority and to ensure accounts are sent out promptly.
- 4.36** Chief Officers should use established performance management systems to monitor recovery of income and flag up areas of concern to the Finance Director. Chief Officers have a responsibility to assist the Finance Director in collecting debts that they have originated, by providing any further information requested by the debtor, and in pursuing the matter on the authority's behalf. Only up to approved levels of cash can be held on the premises.
- 4.37** To recommend to the Finance Director all debts to be written off and to keep a record of all sums written off up to the approved limit. Once raised, no bona fide debt may be cancelled, except by full payment or by its formal writing off. A credit note to replace a debt can only be issued to correct a factual inaccuracy or administrative error in the calculation and/or billing of the original debt.
- 4.38** To obtain the approval of the Finance Director when seeking to write off debts and the approval of the relevant Executive Member where required.
- 4.39** To notify the Finance Director of outstanding income relating to the previous financial year as soon as possible after 31 March in line with the timetable determined by the Finance Director.

Ordering and Paying for Work, Goods and Services

Why is this Important?

- 4.40** Public money should be spent with demonstrable probity and in accordance with the authority's policies. Authorities have a statutory duty to achieve best value in part through economy and efficiency. The authority's procedures should help to ensure that services obtain value for money from their purchasing arrangements.

General

- 4.41** Every officer and Elected Member of the authority has a responsibility to declare any links or personal interests that they may have with purchasers, suppliers and/or contractors if they are engaged in contractual or purchasing decisions on behalf of the authority, in accordance with appropriate codes of conduct.
- 4.42** Official orders must be in a form approved by the Finance Director. Official orders must be issued for all work, goods or services to be supplied to the authority, except for supplies of utilities, periodic payments such as rent or business rates, petty cash purchases or other exceptions specified by the Finance Director.

- 4.43** Each order must conform to the guidelines on central purchasing and the standardisation of supplies and materials. Standard terms and conditions must not be varied without the prior approval of the Finance Director.
- 4.44** Apart from petty cash the normal method of payment from the authority shall be by electronic transfer (BACS) or cheque or other instrument or approved method, drawn on the authority's bank account by the Finance Director. The use of direct debit shall require the prior agreement of the Finance Director. All lease agreements where the Council is leasing property or equipment, vehicles etc must be approved by the Finance Director or their Deputy.
- 4.45** Official orders must not be raised for any personal or private purchases, nor must personal or private use be made of authority contracts.

Key Controls

- 4.46** The key controls for ordering and paying for work, goods and services are:
- (a) all goods and services are ordered only by appropriate persons and are correctly recorded;
 - (b) all goods and services shall be ordered in accordance with the authority's contract procedure rules;
 - (c) goods and services received are checked to ensure they are in accordance with the order;
 - (d) payments are not made unless goods have been received by the authority to the correct price, quantity and quality standards;
 - (e) all payments are made to the correct person, for the correct amount and are properly recorded, regardless of the payment method;
 - (f) all appropriate evidence of the transaction and payment documents are retained and stored for the defined period, in accordance with corporate retention schedules;
 - (g) all expenditure, including VAT, is accurately recorded against the right budget and any exceptions are corrected; and
 - (h) in addition, the effect of e-business/e-commerce and electronic purchasing requires that processes are in place to maintain the security and integrity of data for transacting business electronically.

Responsibilities of the Finance Director

- 4.47** To ensure that all the authority's financial systems and procedures are sound and properly administered.
- 4.48** To approve any changes to existing financial systems and to approve any new systems before they are introduced.

- 4.49** To approve the form of official orders and associated terms and conditions.
- 4.50** To make payments from the authority's funds on the Chief Officer's authorisation that the expenditure has been duly incurred in accordance with financial regulations.
- 4.51** To make payments, whether or not provision exists within the estimates, where the payment is specifically required by statute or is made under a court order.
- 4.52** To make payments to contractors on the certificate of the appropriate Chief Officer, which must include details of the value of work, retention money, amounts previously certified and amounts now certified.
- 4.53** To make payments by the most economical means.

Responsibilities of Chief Officers

- 4.54** To ensure that official orders have a unique reference number and are used for all goods and services, other than the exceptions specified in 4.42.
- 4.55** To ensure that orders are only used for goods and services provided to the Council. Individuals must not use official orders to obtain goods or services for their private use.
- 4.56** To ensure that only those staff authorised by a Chief Officer approve / authorise orders and that a specimen signature identifying, where applicable, the limits of their authority be sent to Internal Audit, who are responsible for maintaining an up-to-date list of authorised signatories.
- 4.57** To ensure that goods and services are checked on receipt to verify that they are in accordance with the order. This check should, where possible, be carried out by a different officer from the person who authorised the order. Appropriate entries should then be made in inventories or stores records.
- 4.58** To ensure that payment is not made unless a proper VAT invoice has been received, checked, coded and certified for payment, confirming:
- (a) receipt of goods or services;
 - (b) that the invoice has not previously been paid;
 - (c) that expenditure has been properly incurred and is within budget provision;
 - (d) that prices and arithmetic are correct and accord with quotations, tenders, contracts or catalogue prices;
 - (e) correct accounting treatment of tax;
 - (f) that the invoice is correctly coded;
 - (g) that discounts have been taken where available; and
 - (h) that appropriate entries will be made in accounting records.

- 4.59** To ensure that two authorised members of staff are involved in the ordering and receiving process unless the value of the order is below the specified limit of £100. (Higher self-authorising limits of up to £10,000 have been agreed for certain officers and confirmed with Internal Audit).
- 4.60** To ensure that the department maintains and reviews periodically a list of staff approved to authorise invoices. Names of authorising officers together with specimen signatures and details of the limits of their authority, where applicable, shall be forwarded to Internal Audit.
- 4.61** To ensure that payments are not made on a photocopied or faxed invoice, statement or other document other than the formal invoice. Any instances of these being rendered should be reported to Internal Audit.
- 4.62** To ensure that the department obtains value for money by taking appropriate steps to obtain competitive prices for goods and services of the appropriate quality, which are in line with value for money principles.
- 4.63** To utilise the contract procedures established by the Council in putting purchases, where appropriate, out to competitive quotation or tender.
- 4.64** To ensure that employees are aware of the Council's Code of Conduct for local government employees.
- 4.65** To notify the Finance Director of outstanding expenditure relating to the previous financial year as soon as possible after 31 March in line with the timetable determined by the Finance Director.
- 4.66** With regard to contracts for construction and alterations to buildings and for civil engineering works, to document and agree with the Finance Director the systems and procedures to be adopted in relation to financial aspects, including certification of interim and final payments, checking, recording and authorising payments, the system for monitoring and controlling capital schemes and the procedures for validation of subcontractors' tax status.
- 4.67** To notify the Finance Director immediately of any expenditure to be incurred as a result of statute/court order where there is no budgetary provision.
- 4.68** To ensure that all appropriate payment records are retained and stored for the defined period, in accordance with the document retention schedule.
- 4.69** To ensure that staff who have been issued with either procurement or business cards comply with the rules contained within the Employee Agreement and sign the Acknowledgement Form indicating their acceptance of the conditions.

Payments to Employees and Elected Members

Why is this Important?

4.70 Staff costs are the largest item of expenditure for most authority services. It is therefore important that payments are accurate, timely, made only where they are due for services to the authority and that payments accord with individuals' conditions of employment. It is also important that all payments are accurately and completely recorded and accounted for and that Elected Members' allowances are authorised in accordance with the scheme adopted by the Full Council.

Key Controls

- 4.71** The key controls for payments to employees and Elected Members are:
- (a) proper authorisation procedures are in place and that there is adherence to corporate timetables in relation to:
 - starters;
 - leavers;
 - variations; and
 - enhancements.and that payments are made on the basis of timesheets or claims;
 - (b) frequent reconciliation of payroll expenditure against approved budget and bank account;
 - (c) all appropriate payroll documents are retained and stored for the defined period in accordance with the document retention schedule; and
 - (d) that HMRC regulations are complied with.

Responsibilities of the Finance Director

- 4.72** To arrange and control secure and reliable payment of salaries, wages, compensation or other emoluments to existing and former employees, in accordance with procedures prescribed by him or her, on the due date.
- 4.73** To record and make arrangements for the accurate and timely payment of tax, superannuation and other deductions.
- 4.74** To make arrangements for payment of all travel and subsistence claims or financial loss allowance.
- 4.75** To make arrangements for paying Elected Members travel or other allowances upon receiving the prescribed form, duly completed and authorised.
- 4.76** To provide secure payment of salaries and wages by the most economical means.

- 4.77** To ensure that there are adequate arrangements for administering superannuation matters on a day-to-day basis.
- 4.78** To ensure that payroll is provided with signatures of officers authorised to sign timesheets and claims.
- 4.79** To ensure that all appropriate payroll documents are retained and stored for the defined period in accordance with Information Asset Registers.

Responsibilities of Chief Officers

- 4.80** To ensure appointments are made in accordance with the regulations of the authority and approved establishments, grades and scale of pay and that adequate budget provision is available.
- 4.81** To notify the Finance Director of all appointments, terminations or variations which may affect the pay or pension of an employee or former employee, in the form and to the timescale required.
- 4.82** To ensure that adequate and effective systems and procedures are operated, so that:
- payments are only authorised to bona fide employees;
 - payments are only made where there is a valid entitlement;
 - conditions and contracts of employment are correctly applied; and
 - employees' names listed on the payroll are checked at regular intervals to verify accuracy and completeness.
- 4.83** To send an up-to-date list of the names of officers authorised to sign records to Internal Audit, together with specimen signatures.
- 4.84** To ensure that payroll transactions are processed only through the payroll system. Chief Officers should give careful consideration to the employment status of individuals employed on a self-employed consultant or subcontract basis. HMRC applies a tight definition for employee status, and in cases of doubt, advice should be sought.
- 4.85** To certify travel and subsistence claims and other allowances. Certification is taken to mean that journeys were authorised and expenses properly and necessarily incurred, and that allowances are properly payable by the authority, ensuring that cost-effective use of travel arrangements is achieved.
- 4.86** To ensure that the Finance Director is notified of the details of any employee benefits in kind, to enable full and complete reporting within the income tax self-assessment system.

Responsibilities of Elected Members

- 4.87** To submit claims for Elected Members' travel and subsistence allowances within two months of the date on which the entitlement to the allowance arises is carried out.

Taxation

Why is this Important?

4.88 Like all organisations, the authority is responsible for ensuring its tax affairs are in order. Tax issues are often very complex and the penalties for incorrectly accounting for tax are severe. It is therefore very important for all officers to be aware of their role.

Key Controls

4.89 The key controls for taxation are:

- (a) budget managers are provided with relevant information and kept up to date on tax issues;
- (b) budget managers are instructed on required record keeping;
- (c) all taxable transactions are identified, properly carried out and accounted for within stipulated timescales;
- (d) records are maintained in accordance with instructions; and
- (e) returns are made to the appropriate authorities within the stipulated timescale.

Responsibilities of the Finance Director

4.90 To complete a monthly return of VAT inputs and outputs to HMRC.

4.91 To provide details to HMRC regarding the construction industry tax deduction scheme.

4.92 To provide up-to-date guidance for authority employees on taxation issues.

4.93 To maintain and monitor the Council's partial exemption position.

4.94 To provide up-to-date guidance for authority employees on taxation issues.

4.95 To complete all HMRC returns regarding PAYE.

Responsibilities of Chief Officers

4.96 To ensure (in conjunction with the Finance Director) that the correct VAT liability is attached to all income due and that all VAT recoverable on purchases complies with HMRC regulations.

4.97 To ensure that, where construction and maintenance works are undertaken, the contractor fulfils the necessary construction industry tax deduction requirements.

- 4.98** To ensure that all persons employed by the authority are added to the authority's payroll and tax deducted from any payments, except where the individuals are bona fide self-employed or are employed by a recognised staff agency.
- 4.99** To follow guidance on taxation issued by the Finance Director.

Financial Procedure Rules

Appendix E - External Arrangements

Partnerships

Why are these Important?

- 5.01** Partnerships are likely to play a key role in delivering community strategies and in helping to promote and improve the well-being of the area. Local authorities are working in partnership with others – public agencies, private companies, community groups and voluntary organisations. Local authorities still deliver some services, but their distinctive leadership role is to bring together the contributions of the various stakeholders. They therefore need to deliver a shared vision of services based on user wishes.
- 5.02** Local authorities will mobilise investment, bid for funds, champion the needs of their areas and harness the energies of local people and community organisations. Local authorities will be measured by what they achieve in partnership with others.

General

- 5.03** The main reasons for entering into a partnership are:
- (a) the desire to find new ways to share risk;
 - (b) the ability to access new resources;
 - (c) to provide new and better ways of delivering services; and
 - (d) to forge new relationships.
- 5.04** A partner is defined as either:
- (a) an organisation (private or public) undertaking, part funding or participating as a beneficiary in a project; or
 - (b) a body whose nature or status give it a right or obligation to support the project.
- 5.05** Partners participate in projects by:
- (a) acting as a project deliverer or sponsor, solely or in association with others;
 - (b) acting as a project funder or part funder; and
 - (c) being the beneficiary group of the activity undertaken in a project.
- 5.06** Partners have common responsibilities:
- (a) to be willing to take on a role in the broader programme appropriate to the skills and resources of the partner organisation;

- (b) to act in good faith at all times and in the best interests of the partnership's aims and objectives;
- (c) to be open about any conflict of interests that might arise;
- (d) to encourage joint working and promote the sharing of information, resources and skills between public, private and community sectors;
- (e) to hold confidentially any information received as a result of partnership activities or duties that is of a confidential or commercially sensitive nature; and
- (f) to act wherever possible as ambassadors for the project.
- (g) to work with the Council to ensure compliance with data protection legislation.

Key Controls

5.07 The key controls for authority partners are:

- (a) if appropriate, to be aware of their responsibilities under the authority's financial regulations and financial procedure rules;
- (b) to ensure that risk management processes are in place to identify and assess all known risks;
- (c) to ensure that project appraisal processes are in place to assess the viability of the project in terms of resources, staffing and expertise;
- (d) to agree and accept formally the roles and responsibilities of each of the partners involved in the project before the project commences; and
- (e) to communicate regularly with other partners throughout the project so that problems can be identified and shared to achieve their successful resolution.
- (f) to comply with the Data Protection Act 2018 and UK General Data Protection Regulations (GDPR).

Responsibilities of the Finance Director

5.08 To advise on effective controls that will ensure that resources are not wasted.

5.09 To advise on the key elements of funding a project. They include:

- (a) a scheme appraisal for financial viability in both the current and future years;
- (b) risk appraisal and management;
- (c) resourcing, including taxation issues;
- (d) audit, security and control requirements; and

- (e) insurance and procurement issues.

5.10 To ensure that the accounting arrangements are satisfactory.

Responsibilities of Chief Officers

5.11 To maintain a register of all contracts entered into with external bodies in accordance with procedures specified by the Finance Director.

5.12 To ensure that, before entering into agreements with external bodies, a risk management appraisal has been prepared for the Finance Director.

5.13 To ensure that such agreements and arrangements do not impact adversely upon the services provided by the authority.

5.14 To consider potential liabilities that could be imposed on the Council.

5.15 To ensure that all agreements and arrangements are properly documented.

5.16 To provide appropriate information to the Finance Director to enable a note to be entered into the authority's statement of accounts concerning material items.

5.17 To ensure privacy impact assessments (where applicable) and data sharing agreements are in place if personal data is to be processed and shared.

External Funding

Why is this Important?

5.17 External funding is potentially a very important source of income, but funding conditions need to be carefully considered to ensure that they are compatible with the aims and objectives of the authority. Local authorities are increasingly encouraged to provide seamless service delivery through working closely with other agencies and private service providers. Grants from external agencies such as the National Lottery and UK Funding provide additional resources to enable the authority to deliver services to the local community. However, in some instances, although the scope for external funding has increased, such funding is linked to tight specifications and may not be flexible enough to link to the authority's overall plan.

Key Controls

5.18 The key controls for external funding are:

- (a) to ensure that key conditions of funding and any statutory requirements are complied with and that the responsibilities of the accountable body are clearly understood;
- (b) to ensure that funds are acquired only to meet the priorities approved in the policy framework by the Full Council; and

- (c) to ensure that any match-funding requirements are given due consideration prior to entering into long-term agreements and that future revenue budgets reflect these requirements.

Responsibilities of the Finance Director

- 5.19 To ensure that all funding notified by external bodies is received and properly recorded in the authority's accounts.
- 5.20 To ensure that the match-funding requirements are considered prior to entering into the agreements and that future revenue budgets reflect these requirements.
- 5.21 To ensure that audit requirements are met.

Responsibilities of Chief Officers

- 5.22 To ensure that all claims for funds are made by the due date.
- 5.23 To ensure that the project progresses in accordance with the agreed project plan and that all expenditure is properly incurred and recorded.

Work for Third Parties

Why is this Important?

- 5.24 Current legislation enables the authority to provide a range of services to other bodies. Such work may enable a unit to maintain economies of scale and existing expertise. Arrangements should be in place to ensure that any risks associated with this work is minimised and that such work is intra vires.

Key Controls

- 5.25 The key controls for working with third parties are:
 - (a) to ensure that proposals are costed properly in accordance with guidance provided by the Finance Director;
 - (b) to ensure that contracts are drawn up using guidance provided by the Finance Director and that the formal approvals process is adhered to; and
 - (c) to issue guidance with regard to the financial aspects of third party contracts and the maintenance of the contract register.

Responsibilities of Finance Director

- 5.26 To issue guidance with regard to the financial aspects of third party contracts.

Responsibilities of Chief Officers

- 5.27 To ensure that the approval of the Executive is obtained before any negotiations are concluded to work for third parties.

- 5.28** To maintain a register of all contracts entered into with third parties in accordance with procedures specified by the Finance Director.
- 5.29** To ensure that appropriate insurance arrangements are made.
- 5.30** To ensure that the authority is not put at risk from any bad debts.
- 5.31** To ensure that no contract is subsidised by the authority.
- 5.32** To ensure that, wherever possible, payment is received in advance of the delivery of the service.
- 5.33** To ensure that the team has the appropriate expertise to undertake the contract.
- 5.34** To ensure that such contracts do not impact adversely upon the services provided for the authority.
- 5.35** To ensure that all contracts are properly documented.
- 5.36** To provide appropriate information to the Finance Director to enable a note to be entered into the statement of accounts.

Procurement through Partnering Guidelines

With Best Value procurement increasing the focus on competitive purchasing practices in the public sector, contracting is becoming increasingly sophisticated and the aim of partnering is to secure maximum benefits for local authorities.

Partnering is one of the more advanced contract management techniques which embraces joint management, process measurement and improvement tools to achieve enhanced contract performance and improved customer service.

Advanced models of partnering include strategic alliances and facilities management arrangements – from both long-term supply relationships of strategic importance to customer service delivery.

In partnering arrangements, suppliers and contractors are selected using a multi-criteria selection process based on functional and performance-based specifications. Partners are also selected on reputation, their own ability to control and improve business processes, their understanding of the vision, mission, values and objectives of the Authority and for their ability to become part of a team. In these contracts innovative payment arrangements can result from a greater appreciation of Value for Money and understanding of supply / demand economics.

One of the important elements of partnering is that partners share the benefits and the risks in equal measure. For example, cost savings could be shared, as could profit, and both parties will share common objectives focused on achieving the desired outcome, and will have equal access to, and openly share, information and knowledge.

Through 'Re-thinking Construction' (the Egan Report) the Government are keen for local authorities to explore new ways of working and part of that agenda is to try and get away from the adversarial nature of some contracts through working in partnership with the private sector.

Partnering is more likely to be appropriate for large complex projects or where service delivery suits an open, joint management arrangement. It is not, therefore, suitable in all situations. Partnering should be adopted in situations where strategic gains in cost and quality can be delivered and where service requirements are complicated or continuously developing.

Partnering strengthens relationships with contractors and suppliers, and is arranged through normal contracting processes in accordance with established procurement procedures. Active contract management techniques are employed to ensure the contract requirements are delivered. The contract should be re-tendered periodically to ensure open competition and best value for money.

The Partnering Process

CONTRACT PLANNING

PLANNING

- identify customer needs
- assess risks and issues
- consider partnering and remuneration options
- consider procurement plan/strategy



CONTRACT INFORMATION

TENDERING

- establish selection criteria
- issue public tender inviting partnering proposals
- evaluate proposals and remuneration models



PARTNERSHIP WORKSHOP

- set common objectives
- develop issue resolution process
- establish joint management structure
- establish action plans



CONTRACT MANAGEMENT

THE CONTRACT

- include deliverables/outputs
- develop performance criteria
- incorporate performance measures
- prepare contract management plan



IMPROVEMENT

- monitor performance
- measure customer satisfaction
- plan-do-check-act
- active contract management



CONTRACT RENEWAL

- evaluate contract
- re-tender to ensure open competition
- re-award contract

Planning

Partnering should be considered for contracts that are critical, strategically important or require an innovative approach. Preparing a procurement plan is particularly important for strategic, innovative or complex projects or where the contract value is high (e.g. likely to exceed £1 million). This plan should provide a checklist of key issues and set out the specific services that are critical to core business activities.

The Council needs to clearly define customer needs (which of course are dynamic) and this information should be incorporated into the tender specification and used throughout the lifecycle of the contract, and particularly to monitor the contractor's performance.

Consideration should also be given to intellectual property ownership, payment mechanisms and associated incentives, which will form an important element of the partnering arrangement.

In establishing a partnering contract the risks and human resource issues, such as employment status and possible union involvement, should be considered. The financial and legal responsibilities of all parties should also be identified at the planning stage and a contract management plan should be developed.

Tendering

The partnering selection process follows normal tendering guidelines and results in a formal contract.

As part of the tendering process, an appropriately skilled selection team should be used to develop performance based selection criteria (which may include the extent to which risk is proposed to be shared) to be used during evaluation. Partnering proposals and remuneration models should then be evaluated against the predetermined selection criteria and contracting objectives.

The selection team should conduct a due diligence process to ensure the recommended tenderer has the capacity, including financial viability, to fulfil the contractual obligations.

Partnering Workshop

The purpose of the partnering workshop is to establish a sense of joint mission and set common objectives and guidelines for the further development of the relationship.

Issue resolution processes, joint management structures and action plans are developed during partnering workshops.

It is important that the people who have the greatest influence in making the relationship work, not just senior management, attend the workshops.

Senior managers should attend if they play an active role in work processes, or if their presence is considered necessary to demonstrate commitment.

The Contract

Partnering relationships are commercial contracts that require performance measures. Rigorous contract management and performance reviews are required to ensure contract obligations are delivered.

Most partnering relationships are also outlined in a non-binding Partnering Charter (see Appendix 1) which formally details the mission and objectives of the partners and demonstrates the commitment of the key people involved.

Improvement

Continuous improvement in partnering involves a team approach to determine whether work processes are meeting the needs of customers, and where necessary, to improve them.

Performance measures are established and regularly monitored, and combined with customer satisfaction measures, provide valuable data for continuous improvement.

Joint process improvement teams should be established to investigate problems or pursue improvement opportunities.

These teams should be trained in the partnering philosophy, team development, conflict resolution, the Plan-Do-Check-Act improvement cycle, and quality improvement techniques.

Contract Renewal

The rules of transparent and fair competition, accountability and probity must also be observed in the renewal of partnering contracts.

When a formal partnering contract expires it should be evaluated against the contract objectives and then publicly tendered again to ensure open competition.

This tendering process will encourage competitive tenders and allow innovative offers to be received. This will result in the best value for money solution when the contract is re-awarded.

Principles of Partnering

Partnering relationships should be established according to the following principles and everybody involved in the partnering arrangement needs to understand and accept these principles.

Commitment

Partnering requires considerable effort, innovation and patience. The sharing of financial information or “open book” accounting would be fundamental to this commitment.

Common Objectives

Partners must identify, understand and support each other’s objectives. Partners work together to translate their individual objectives into common objectives, and strive to achieve the same goals.

Open and Honest Communication and Trust

Partnering establishes principles and systems for the timely and accurate exchange of information to develop trust and efficient management. Business relationships could suffer through the guarding of information and poor responsiveness.

Ethical Behaviour

High ethical standards are fundamental to partnering and the conduct of all parties must be totally transparent and ultimately accountable.

Teamwork

A team approach (and there is no reason why end users cannot be represented on the team) is essential in partnering and lays the foundations for continuous improvement. Teamwork builds trust and keeps the relationship successful. It is also a good means of resolving problems.

Partnering Tips

The introduction of partnering into a public authority should be carefully planned, with the following issues considered:

- Partnering is about value for money, exploring new ideas and sharing risk and reward.
- Partnering works best within an environment that understands quality management, customer focus, process improvement, participative leadership, and team practices.
- Partnering should be endorsed as corporate policy.
- Partnering should be phased in slowly to allow a cultural transition to take place.

Successful partnering arrangements have considered the following:

Education

Partnering requires a new way of thinking within a public authority. Suppliers and contractors should be seen as an extension of the public authority and treated as members of the team, informing and educating those involved is critical.

Personalities

The key personnel involved in partnering are critical to the success of the relationship. These relationships need to be developed; changes to these personnel can impact on the effectiveness of the arrangement and need to be managed.

Resolution Procedures

It is essential that partnering arrangements include effective and clearly defined conflict resolution procedures that work.

Win-Win Outcomes

Effective partnering is built on a continuing recognition that the arrangement results in win-win outcomes for all parties.

Customers

Do not lose sight of the fact that we provide services for our customers. A suitable mechanism needs to be put into place:

- to evaluate services from their perspective;
- to take account of their views;
- to involve them as appropriate in service development proposals;
- to show them that we care.

10 Basic Questions about Partnering Answered

1. What is a Partnering Arrangement?

The legal definition of a partnership is that of two or more parties coming together, usually (but not always) to exploit a commercial opportunity. Partnerships can be project based, time based or open-ended. One of the important elements to a partnership is that the partners share both the benefits and the risks in equal measure.

2. Why Partner?

Partnerships can produce economies of scale, encourage greater capital investment, capture specialist skills and knowledge and produce better operational management.

3. Are they likely to affect me?

Recognising the Value for Money regime you should always be trying to think of other means of provision that improve on existing arrangements, and potential partnerships should be considered. Partnerships in the true sense of the definition are unlikely to be significant in number, however the potential for altering the way we work and our attitude to contractors as outlined in this paper are likely to have a far more significant impact.

4. Don't the current rules prevent partnership arrangements?

The Council's Financial Regulations and Financial Procedure Rules have been reviewed in the light of the requirement to demonstrate Value for Money and developments in partnership arrangements. It is quite possible to enter into partnership arrangements by utilising the current Rules.

5. This document talks about partnerships and continuing competition. Aren't the two opposites?

No. Whilst partnership contracts will probably be for longer periods than more conventional contracts, they will not be infinite. Renewed competition from time to time has the benefit of testing value for money, as well as preventing complacency and too cosy a relationship developing.

6. How do I get started?

You should above all have a vision for the service concerned, and this could be informed by the outcome of the fundamental performance review. A market analysis is the usual starting point (indeed the market players will almost certainly want to know whether there is to be an in-house competitor). A combination of any or all of the following would be classed as a market analysis:

- an advertisement in appropriate trade journals could invite proposals (this may also have the effect of stimulating a market where currently it is weak);
- questionnaires could be sent to selected suppliers to ask how they could add

- value through partnership arrangements;
- other local authorities (UK and world-wide) could be asked for their approach;
- compile a 'scrapbook' of successful partnership arrangements with suppliers.

Neutrality and lack of bias is important, and you should be careful that any subsequent specification does not reflect one supplier's product.

At this stage no decision has been made to procure therefore the public procurement rules do not yet apply. But once you have made that decision you must follow the rules as set out in the Contract Procedures and the UK's public procurement rules.

7. Is there anything wrong with talking to the private sector?

Fundamental performance reviews will in any event require you to talk to and learn from the private sector. These discussions may help form a view that a partnership may be beneficial to the delivery of a particular service. You should however be even-handed in your approach and document all discussions.

The private sector is aware of the Government's initiatives on partnerships and you may well have already received approaches. There is some truth in the suggestion that some private sector companies see partnerships as a means of obtaining work without the rigours of competition. That is not the case.

8. Is there such a thing as a free lunch?

No. It is extremely unlikely that you will be approached through purely altruistic motives and you should bear that in mind at all times. Whilst these need not be rejected out of hand, you should ask yourself whether to proceed would affect your long term strategy or lock you into some arrangement from which you could not extricate yourself, or only at a cost. For example the offer of free software may limit or close off future choices. The receipt of anything free may induce a false feeling of loyalty and influence future decisions or strategies.

The personal receipt of any such offers is of course covered by the Council's Codes of Conduct and Financial Regulations.

If the private sector approaches you, you must carefully weigh the proposal against your overall strategy. If further consideration of the proposal would benefit that strategy, then do so. You should always warn any person making an approach that if the Council was to proceed then it would more than likely result in a procurement exercise. Thus they should not reveal anything which later may be interpreted as a breach of confidence (or indeed copyright). Acting without bias is important and it is always wise to document what has happened. If you are concerned that your position is becoming compromised you should discuss the issue with your line manager.

9. How will partnering differ from traditional contracts?

The whole thrust of partnering is that it requires a change of culture away from more traditional attitudes of "them and us". In addition partnerships may well embrace issues like Open Book Accounting, Continuous Improvement, Price Benchmarking and Annual Performance Reviews (service and product reviews; customer

satisfaction; etc).

10. What if I choose the wrong partner?

A rigorous procurement process should enable you, with clear evaluation criteria to select a suitable partner. There may be occasions when the partnership does not work out or the costs far outweigh the benefits. Whilst mechanisms can be built into contracts to reduce the likelihood of this occurrence, they can never provide complete protection. Means by which differences can be resolved quickly and amicably (by an independent arbitrator if necessary) should be agreed from the outset.



Appendix 1 – Partnering Charter

Most partnering relationships are outlined in a non-binding partnering charter document. The purpose of the charter is to detail the mission and objectives of the arrangement and to demonstrate the commitment of the key people involved. The following is a typical example of a partnering charter.

PARTNERING CHARTER

Our Mission Statement

To complete the project on time, within budget, to specified standards and to the satisfaction of all key stakeholders

Common Objectives

- | | |
|---|---|
| <ul style="list-style-type: none"> • Shared goals • Complete on time • Complete on or below budget • Fair return to the Contractors • No adverse effects on the environment or to public amenities • Enhance reputations • Customer satisfaction | <ul style="list-style-type: none"> • Work together in the future • No disputes • Safe construction • Good Working Relationships • Minimal disruption |
|---|---|

Supported By

(Note: The ‘Partnering Charter’ will be different for every partnership arrangement. The above Charter, taken from a construction project partnership, is one example only.)

Partnership Assessment

Effective partnerships can make all the difference but can be time and resource intensive, and without a clear focus resources can be spread too thinly and their impact dissipated. Government expectations are high and there needs to be a continuing drive for efficiency and effectiveness in partnership working.

The key features of a successful partnership are:

Action Focus

- Shared values and agreed long-term vision of what it wants to achieve.
- Effective use of input and feedback from local community and businesses.
- Makes a positive impact, adding value and ensuring it is not working in isolation.

Efficiency

- Structure is conducive to decision-making with members reflecting the views of the organisations they represent.
- Resources matched to aims, objectives and plans.
- Effective administrative support and communications.

Inclusivity

- Membership reflects the purpose of the partnership.
- Ensures that all partners have the capacity to be fully engaged in the partnership.
- Works democratically with accountability to stakeholders and decisions open to scrutiny.

Learning and Development

- Learns from best practice, stakeholders and consultations.
- Makes use of a range of skills and expertise of partnership members.
- Adapts to a changing environment.

Performance Management

- Process includes clear milestones, outcomes, performance indicators and delivery dates.
- Partners deliver what they have signed up to and share information to support planning and management.
- Partners resources used effectively to meet the aims of the partnership.

Framework for Partnership Working

Introduction

Working in partnership with other organisations to deliver both individual and jointly agreed outcomes is now a core requirement in delivering effective public services. Due to recent legislation and other policy initiatives local authorities are increasingly expected to initiate, lead and engage in partnership working.

Partnerships are considered to be a more effective way to tackle highly resistant and complex problems. A partnership approach ensures co-ordinated action by agencies across a range of service and policy areas.

Partnerships also ensure that businesses, the voluntary sector and the community get involved, thus enabling them to identify problems and root causes, contribute their unique skills and perspectives, and play a part in developing consensus and ownership. It can also be a more efficient and effective use of scarce resources.

Purpose of the Framework for Partnership Working

The purpose of this framework is to provide a checklist for officers of Wyre Borough Council who are considering involving the Council in either a partnership body or a partnering contract.

Every partnership body and partnering contract will have its own characteristics and it is not possible to cover every eventuality. The general information set out below, and use of the relevant checklist should, however, provide a good basis for serving to make the partnership work and to achieving the benefits of working in partnership.

Partnership Working and the Council Plan

The Council Plan sets out its vision and priorities for a four-year period, highlighting the issues upon which we have decided to focus and the key actions that we commit to undertake in order to ensure that our vision is realised. Our vision is 'Wyre – proud, ambitious and thriving... Together we make a difference'

The Council is keen to 'work collectively with Ward Councillors, Parish and Town Councils, community groups and other partner organisations to identify local issues and priorities'. In addition to Parish Councils the Borough has a network of community and residents forums which meet regularly and which Ward Councillors attend. The engagement network includes:

- ✓ The Health and Wellbeing partnership;
- ✓ The Community Safety Partnership;
- ✓ The Youth Council;
- ✓ The Children's Trust;
- ✓ Wyred Up – representing local business interests;
- ✓ Parish and Town Councils;

- ✓ Residents Groups;
- ✓ Friends Groups;
- ✓ Police and Community Together (PACTs); and
- ✓ Chambers of Trade.

The Council Plan clearly identifies the importance of partnership working in achieving objectives across a wide range of areas of work and it is important that we understand how effective these arrangements are.

What is a Partnership Arrangement?

There is no authoritative definition of partnership arrangements in this context but the Council has adopted the following general definition of partnership working: 'Those agreed methods of working together as an integrated and co-ordinated team to achieve common objectives and shared benefits'.

Types of partnership that will be subject to this framework include:

Charities and Trusts

Increasingly, local authorities have been setting up bodies with charitable status to provide services that had previously been provided directly by the local authority, in areas such as housing, leisure and social services.

Sometimes it can be advantageous for Councils to be involved in setting up companies for specific purposes. Such partnerships become a body corporate in their own right having their own legal status. These can be companies limited by shares or guarantee, where the partner's liability for any company debt is limited to the guarantee they made when the company was formed - normally a notional amount. They are usually not-for-profit bodies with income being ploughed back into the partnership activities. They can enter into contracts on their own, buy and sell assets, sue and be sued and distribute assets on dissolution.

Such partnerships are regulated by the Companies Act 1985, although similar arrangements can be made using Industrial and Provident Societies, which would be a company under the control of the Registrar of Friendly Societies and therefore outside mainstream Company Law.

Why Enter Into a Partnership?

Partnerships play a key role in the delivery of community strategies and in helping to promote and improve the well being of the Borough. The Council will continue to deliver services, but recognises its distinctive leadership role in bringing together the contributions of its various stakeholders, including public sector agencies; private companies; community groups and voluntary organisations. Partnership working helps the Council to deliver a shared vision of services based on user wishes.

The main reasons for entering into a partnership are:

Co-Ordination

Systematic and regular communication between partners helps to avoid duplicating each other's work or inadvertently working against each other. It also helps partners find new ways to share risk and benefits and allows agencies to plan further ahead more confidently.

Creating More for Less

By pooling resources partners can achieve economies of scale and look at ways of accessing additional resources.

Tackling Complex Problems

By bringing a broader range of perspectives, knowledge, information, strengths and skills to bear partners can provide new and better ways of delivering services and implementing actions to tackle complex or multi-dimensional problems.

Building Consensus

Partners can work together to find mutually acceptable solutions and proposals, thereby building relationships and developing joint ownership and commitment. Partners can also deal with differences of interest within a partnership in a co-ordinated and constructive way, rather than working against each other.

What is Involved in Setting Up a Partnership Arrangement?

Council's Interests

In developing any partnership body or partnering contract, it is necessary to fulfil the following two basic requirements:

- ensure that the essential elements of good management are present, that the process is well controlled and that the new arrangements for service delivery result in demonstrable service improvement; and
- that any risks associated with the proposed new arrangement for service delivery have been assessed and procedures put in place to effectively manage those risks.

Partner Relationships

A partnership body and/or a partnering contract will involve a relationship between parties which is designed to serve shared objectives based on:

- a shared understanding of those objectives, and the aspirations of the parties;
- a non-confrontational relationship based on trust and openness, but nevertheless the need for formal arrangements to be established;
- a recognition of the diverse skills and expertise of the parties facilitating development and innovation;
- a recognition of the need to share the benefits resulting from joint working;
- a sharing of information; and
- the need to work closely towards the resolution of disputes that may arise, to avoid wherever possible recourse to more formal procedures.

Legal and Financial Relationships

Partnership bodies and partnering contracts involve complex legal and financial relationships. It is, therefore, essential that the Finance Director and the Legal Services Manager are contacted at the outset whenever consideration is being given to involving the Council in either of these types of relationship.

Advice and support on effective controls to ensure that resources are not wasted and on the key elements for funding and managing the project will be provided by the Finance Director and the Legal Services Manager. This may include:

- a scheme appraisal for financial viability in the current and future years, in line with the Council's Medium Term Financial Plan;
- risk appraisal and risk management;
- resourcing implications and taxation issues;
- audit, security and control requirements;
- budgetary and accounting arrangements;
- insurance and procurement issues;
- application of Financial Regulations including contract procedures;
- consideration of potential liabilities that could be imposed on the Council; and
- arrangements for reporting partnership issues to Elected Members and for consulting with current and potential partners.

Other Professional/Specialist Advice

Depending upon the particular partnership arrangements being entered into, it will be advisable to involve other relevant professionals/specialists. The officer instigating the partnership arrangement should, at the earliest opportunity and in discussion with colleagues throughout the Council, identify what other professional/specialist advice, such as advice from Legal or Human Resources, needs to be taken and make the necessary arrangements.

Approval by the Executive

A report should be presented to the Executive for approval for the partnership arrangement to be entered into. The report should take into account the professional/specialist advice, as referred to above, and set out the aims and objectives of the partnership. The report should also, nominate the Council's lead officer in respect of the partnership and set out the arrangements and frequency for reporting to Elected Members on the performance of the partnership against its stated objectives. In this respect, annual reporting of the partnership's activities should be regarded as the minimum frequency.

Where any partnership arrangements are entered into, actions should also be taken to ensure that all partner organisations, including the Council, are fully aware of the arrangements for communication and sharing of information.

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Financial Procedure Rules Appendix F - Contract Procedures

Guide to Quotations and Tenders

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Introduction

This guide aims to explain in simple terms the procedures for obtaining quotations and competitive tenders from suppliers for the provision of Council works, goods and services.

The Council's constitution incorporates Financial Regulations and Financial Procedure Rules that provide a framework for managing the Authority's financial affairs. They apply to every Member and Officer of the Authority and anyone acting on its behalf.

Should you require further information or wish to comment on the content of this guide please contact the Head of Internal Audit.

How the Council Buys

The Financial Regulations detail the procedure to be followed, based upon the total estimated value of the contract in its entirety:

- Up to £25,000: works, goods and services (with the exception of public utility services i.e. gas, electric, and periodical payments) procured using an official order. Officers are responsible for ensuring that value for money is achieved and wherever possible, at least three written quotations should be obtained, if possible ensuring that at least one of these is a local supplier
- Over £25,000 and up to £100,000: should be advertised for competitive tendering on the CHEST or at least three written quotations must be obtained. In order to ensure the receipt of 3 quotations officers may consider inviting a greater number of suppliers to quote. If it is not possible to obtain three quotations (including local suppliers where possible) the spending Officer must consider whether it is appropriate to proceed with the procurement; and
- Exceeding £100,000: a competitive tendering exercise is undertaken on the CHEST, involving a minimum of three suppliers.

Lottery Funding

Where a contract is let that involves another source of funding eg, lottery etc alternative procurement rules may apply. Should you require further advice on the threshold amounts please contact the Council's Procurement Officer.

Social Value

Social Value should be included in any relevant specification and all exceeding £100,000. It must be clearly evidenced how a contract will deliver its 'social value' commitments and how this will be monitored past contract award. This is intended to support local businesses and communities which helps the authority make the best use of our resources to meet local community needs.

Exemptions to the Contract Procedures

Exemptions to the contract procedures are permitted where, in the opinion of the spending Officer, the procurement falls into one of the following categories:

- If a framework agreement is available that necessitates the Council not having to go out to tender and the goods, works and services will still provide the Council with best value for money;
- The goods, works or services are of a specialised nature carried out by only one or a limited number of firms with no reasonably satisfactory alternatives available;
- There is no genuine competition for the goods, works or services being procured.
- The procurement involves the purchase of proprietary or patented goods or services obtainable from one firm or; are sold at a fixed price;
- The goods, works or services constitute an extension or variation of an existing contract, or are required urgently, or the goods/materials, works or services consist of repairs to, or the supply of parts for, existing proprietary plant or equipment;
- Tenders are invited on behalf of any consortium or collaboration, of which the Council is a member, in accordance with any method adopted by that body. Where however, a Council officer invites tenders on behalf of the consortium the receipt, opening and acceptance of tenders must comply with the Council's Financial Regulations and Financial Procedure Rules or any overriding legislation;
- Exceptions may apply regarding the appointment of consultants, including architects, engineers, quantity surveyors, solicitors, barristers and other people providing professional services;
- The contract relates to insurance, banking or loan arrangements;
- The goods are purchased by auction;
- The contract relates to the buying or selling of land and buildings or interest in land and buildings negotiated on behalf of the Council by a professional valuer;
- The goods, works or services are of a sensitive nature (such as security) where publication of the tender documents would constitute a security breach and undermine the effectiveness of the final product;
- Another public authority in the last twelve months has procured the same or predominately similar goods, works or services from the same supplier having undertaken a procurement procedure that complies with both that authority's procedure rules for contracts of that kind and the Council's. Reliance on this procurement is contingent on due diligence checks having been undertaken, including that the relevant director or Legal Services Manager holds written confirmation of such compliance with other public authority. It is envisaged that this exemption will normally be used where neighbouring authorities work closely with the council on the delivery of outcomes requiring the procurement of goods, works or services where synergy is advantageous and this is a means of avoiding duplication.
- Procuring a partner and developing partnership arrangements – see Appendix E 'External arrangements'.

The appropriate Portfolio Holder must authorise **ANY** exemption to the contract procedures, with the report identifying the reasons justifying the exemption and demonstrating compliance with UK procurement rules.

Going out to procure

Before going out to procure your goods, works or services, a Spending Officer should consider the options available. A useful flowchart has been prepared at Appendix 1, which will help you to determine what options you have for proceeding with the purchase of goods, works and/or services.

Procurement of ICT Systems

All procurement of ICT systems must be in consultation with the ICT Services Manager and should ideally be agreed by the Digital Transformation Board, which includes the Finance Director. It is important that the ICT Services Manager is able to consider the potential threat to the council's cyber security prior to any procurement. For example, if a new provider is used, a merger is being considered or a new product is being designed, these can increase the risk of a security breach and must be evaluated.

Supplier Portal – the CHEST

When going out to purchase goods, works or services, the supplier portal the CHEST is the Council's system of choice when sending out ITQ and ITT documentation for values exceeding £25,000.

The CHEST has been created for business to find out about Council contracting opportunities.

The Portal enables all suppliers to register their capability on to a single regional web-site where they are asked to register 'once only'.

Contract Finder

All contracts over £25,000 must be published here within 24 hours of it being placed on the CHEST. The same applies when awarding the contract. It is now mandatory that all contracts over the value of £25,000 are advertised on 'contracts finder' in addition to the CHEST.

Emergency Procedures

An exemption to the contract procedures is permitted where in the opinion of the Head of Paid Service and, after consulting with the relevant Executive Member, circumstances warrant immediate action. The action taken must be reported to the next meeting of the Executive.

Advertising of Contracts (Non European or Lottery Funded Contracts)

All contracts to be tendered must be advertised on the CHEST, the Council's website, Contracts Finder and on Find a Tender (FTS) if appropriate. There is no longer a requirement to advertise in a trade journal or newspaper. The FTS and Contracts Finder do not charge for the service and cover a wide audience. All contracts with a total value that exceeds UK procurement thresholds must be awarded in accordance with UK Procurement Rules relating to public authorities. Thresholds are updated every two years with the next update due January 2024. Thresholds (inclusive of VAT) from 1 January 2022 are as follows:-

Supplies/Services	Social	Works
£213,477	£663,540	£5,336,937

Deadlines for Responding to Advertisements

Deadlines must be included within advertisements in calendar days. For contracts not requiring Contracts Finder or FTS adverts, the Council's minimum tender return time is 14 days from date of issue. However more time is usually allowed, depending upon the complexity of the contract up to a maximum of 28 days. For information regarding Contracts Finder or FTS adverts please contact the Council's Procurement Officer.

Pre Tender Requirements

Before tendering for a contract and particularly for those estimated to exceed £100,000, a detailed specification shall be prepared. The specification is a description of the services, supplies or works that the Council wants and what the supplier/contractor is expected to tender against and provide. It will incorporate performance targets or criteria for acceptance of the services, supplies or works and be included in the invitation to tender documentation. It must be agreed with the tenderer awarded the contract and form the major part of the formal contract agreed between the Council and the supplier.

Approved Supplier Lists

The Council's Contract Procedure Rules require that at least three suitable suppliers or contractors be invited to tender for each Council contract. To ensure fairness, companies to be invited to tender should be based on a combination of random selection to test the market, and previous tendering history. If four firms are invited to tender, for example, two may have carried out work of a similar nature to a good standard, and two should be chosen arbitrarily from the approved list of contractors.

There is currently only one such framework agreement in place, for property repairs and maintenance, which is subject to review every 3 years.

How the Tendering Process Works

If either Construction Line or an Approved List is not being used then all tendering requirements must be advertised to ensure that the process is competitive and secures good value for money. There are three main methods of tendering through advertisement:-

- Open Procedure – This allows suppliers that have responded to a public notice to tender without prior selection. Open Procedures can result in a high volume of responses meaning it is usually used when the size of the market is known. The minimum time limits for receipt of tenders varies on the market route decision and lasts between 15-35 days.
- Restricted Procedure – This procedure is a two stage process that runs for a period of 30 days, with the first stage in the form of a selection questionnaire (SQ). Suppliers will be short listed to receive tenders once they have passed the preselection criteria. This method is normally used where there is no framework in place for the type of goods or services required, or for contracts above the UK procurement threshold. The minimum time limits for receipt of tenders varies on the market route decision and lasts between 10-30 days.
- Competitive Procedure with Negotiation – This procedure is used when the terms of the contract can be negotiated with one or more providers but is still subject to competition. This procedure has greater freedom for use than before as covered in the new Public Contracts Directive. The process varies on the market route decision and lasts between 10-30 days. This process (along with Competitive Dialogue) should not be used for purchasing off the shelf products or services.
- Competitive Dialogue – Is used to negotiate the terms of a contract with one or more suppliers selected by it. It is used for complex contracts where the authority is not objectively able to define the technical means capable of satisfying its need or objectives, or specify either the legal or financial make up of a project. As a general rule there must be a call for competition. The period for a competitive dialogue is 30 days.

The 'award' stage considers the merits of the eligible tenders and which is the most economically advantageous. When evaluating tenders at 'award' stage the criteria used must be linked to the subject matter of the contract.

Invitation and Submission

Instructions must be issued to those companies invited to submit a quotation or a tender, asking them to complete and return the required documents by a specified date and time. These documents, which should be placed either in the Procurement area of the website or on the CHEST for the tenderer to download and complete, will usually contain the following information:

- Letter of invitation and instructions about the process;
- Pricing document and/or form of tender;
- Specification and/or schedule of rates;
- Contract conditions or conditions of purchase;
- Any relevant supporting information (maps etc); and
- Where bids are to be evaluated on the basis of Quality and Price, the tender documentation must also specify the criteria for evaluation. This is a requirement of the public procurement rules and sub criteria or weighting rules which have not previously been brought to the tenderers attention cannot be used.

An Invitation To Quote (ITQ) template is available on the Procurement page of the intranet and must be used when obtaining a quote.

It is important that firms are given sufficient time to adequately research and compile their bids. This includes enough time to seek accurate estimates from their subcontractors. The Council's minimum time for the return of priced tenders is 14 days from date of issue, although best practice suggests a maximum of 28 days.

The specified time to submit tenders/quotations may be extended in exceptional circumstances provided that all suppliers involved in the process are notified of the revised date and time and no potential supplier is disadvantaged by the deadline extension.

Whistleblowing and Contractors

The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we encourage contractors and others with serious concerns about any aspect of the Council's work to come forward and voice their concerns.

The Council has a whistleblowing policy that applies to all contractors working for the Council (including employees working in any partnership on behalf of the Council) and suppliers providing goods and/or services under a contract with the Council. The policy is distributed with all tender documents.

Tenders received via the Chest

For tenders in excess of £100,000, they must be verified and released by an Elected Member. If written quotations are received, the documentation should be retained.

Evaluation of Tenders and Quotations

Whilst written quotations will generally be evaluated on the basis of price only, a record must be made of the evaluation process undertaken.

An evaluation must be made of tenders submitted, comparing the tender sum against the estimate for the works, goods or services prepared in advance of the firms being invited to tender. Where errors or discrepancies are found that may affect the tender sum, the tenderer may be notified and afforded an opportunity to confirm the submitted sum without amendment or withdraw their bid. The instructions to tenderers must stipulate whether qualified or alternative tenders may be submitted for evaluation.

Not all contracts awarded by the Council are evaluated on the basis of price only. Consideration should be given to those which offer the best value for money having regard to

both price and quality factors. This is sometimes referred to as the “most economically advantageous tender” (MEAT) and provides for the contract to be awarded to the company best able to meet the Council’s specification.

To ensure fairness the quality criteria (or award criteria) and evaluation method must be clearly defined in the tender documentation. Award criteria will vary depending on the type of contract. Some examples of criteria included are:-

- Social Value content;
- Impact on climate change;
- Technical suitability;
- Financial viability and stability;
- Quality systems;
- Customer care and after sales service;
- Experience and past performance;
- Aesthetic and functional characteristics; and
- Delivery date and other management factors.

A suggested mechanism for evaluating bids is included on the procurement page of the Intranet. Unjustifiably low priced tenders should be investigated rigorously to ensure that they meet the required quality standards and, if necessary, explanations sought from the supplier concerned.

Where the quality/price matrix has not been previously agreed by the executive, then the matter must be referred to them for consideration and formal contract award. In addition, approval of the executive must also be sought where the recommended tender exceeds the pre-tender estimate by more than 10%, with explanations given as to the robustness of the original estimate.

Post Tender/Quotation Negotiation

After the receipt of tenders, officers may need to contact tenderers to clarify technical and contractual information as part of the evaluation process. Any such communication must be confidential and all correspondence must be via the CHEST.

Having selected the preferred supplier, negotiations may commence in order to secure better value for money with the final agreed price being included in the Pricing Schedule of the Contract.

Standstill Period

For contracts exceeding the UK procurement threshold the successful bidder should be notified promptly following acceptance of the tender or quotation with an Alcatel letter. A copy is available on the procurement page of the Intranet.

All unsuccessful bidders should be notified promptly with an Alcatel letter which must include the scores of the successful bidder against the individual unsuccessful bidders scores and a summary of reasons for the scores. The letter must also include a list of bid prices and bidders, although the names of the firms submitting bids should not be matched to the prices. A suggested letter is available on the procurement page of the Intranet.

Contracts exceeding the UK procurement threshold cannot be awarded until the minimum standstill period of 11 days, including the date of issue has been completed. However, in accordance with best practice, the Council may apply a standstill period for contracts exceeding £100,000.

If you receive a request for a debrief from any of the unsuccessful bidders during the standstill period, they must be seen within the standstill period. If this is not possible, then the standstill period MUST be extended for a debrief to take place.

After the debrief, if the unsuccessful bidder is asked to provide further evidence by the Council or the unsuccessful bidder requests the council to provide additional information, then the standstill period MUST be extended to allow this to happen.

Once this period has been completed and there has been no legal challenges by any of the unsuccessful bidders an award letter can be issued to the successful bidder. A suggested letter is available on the procurement page of the Intranet.

A further letter should be issued to the unsuccessful bidders notifying them that the standstill has been completed and an award letter has been issued. A suggested letter is available on the procurement page of the Intranet. By doing this, if the Council receives a legal challenge from an unsuccessful bidder, it reduces the time limit from 6 months to 30 days from the day after the date when the Council has awarded the successful bidder the contract.

If one or more of the unsuccessful bidders challenge the award after the standstill period has been completed then seek advice from the Council's Procurement Officer or Legal Team.

Contract Award - Quotations

Where, in exceptional circumstances, the recommended bid is not the lowest quotation received, award of the contract must be authorised by the relevant Corporate Director, having considered the reasons for other than the lowest tender being accepted.

Signing of Contracts

Where a contract is to be awarded to a new supplier / contractor which is in excess of £10,000 (cumulative), the contract should be signed off by a second officer if signed below Head of Service or Legal Services Manager level.

Contractor / Lease Due Diligence Checklist

Prior to the contract award, it is recommended that the procuring officer should, as a minimum, complete the Contractor / Lease Due Diligence Checklist at Appendix 3. Once completed, the checklist should be returned to the council's Procurement Officer to be retained alongside the contracts register.

Corrupt Practices

In every written contract a clause must be inserted to secure that the Council is entitled to cancel the contract and to recover from the contractor the amount of any loss resulting from such cancellation, if the contractor has offered or given or agreed to give to any person any gift or consideration of any kind as an inducement or reward for doing or not doing anything relating to the contract or any other contract with the Council or for favouring or not favouring

any person in relation to such contract, or similar acts have been done by any person employed by the contractor or acting on their behalf, or the contractor or any person employed by them or acting on their behalf has committed any offence under the Prevention of the Corruption Acts 1889 to 1916, or any amendment of them or shall have given any fee or reward, the receipt of which is an offence under the Local Government Act, 1972.

Breach Of Contract Procedure Rules

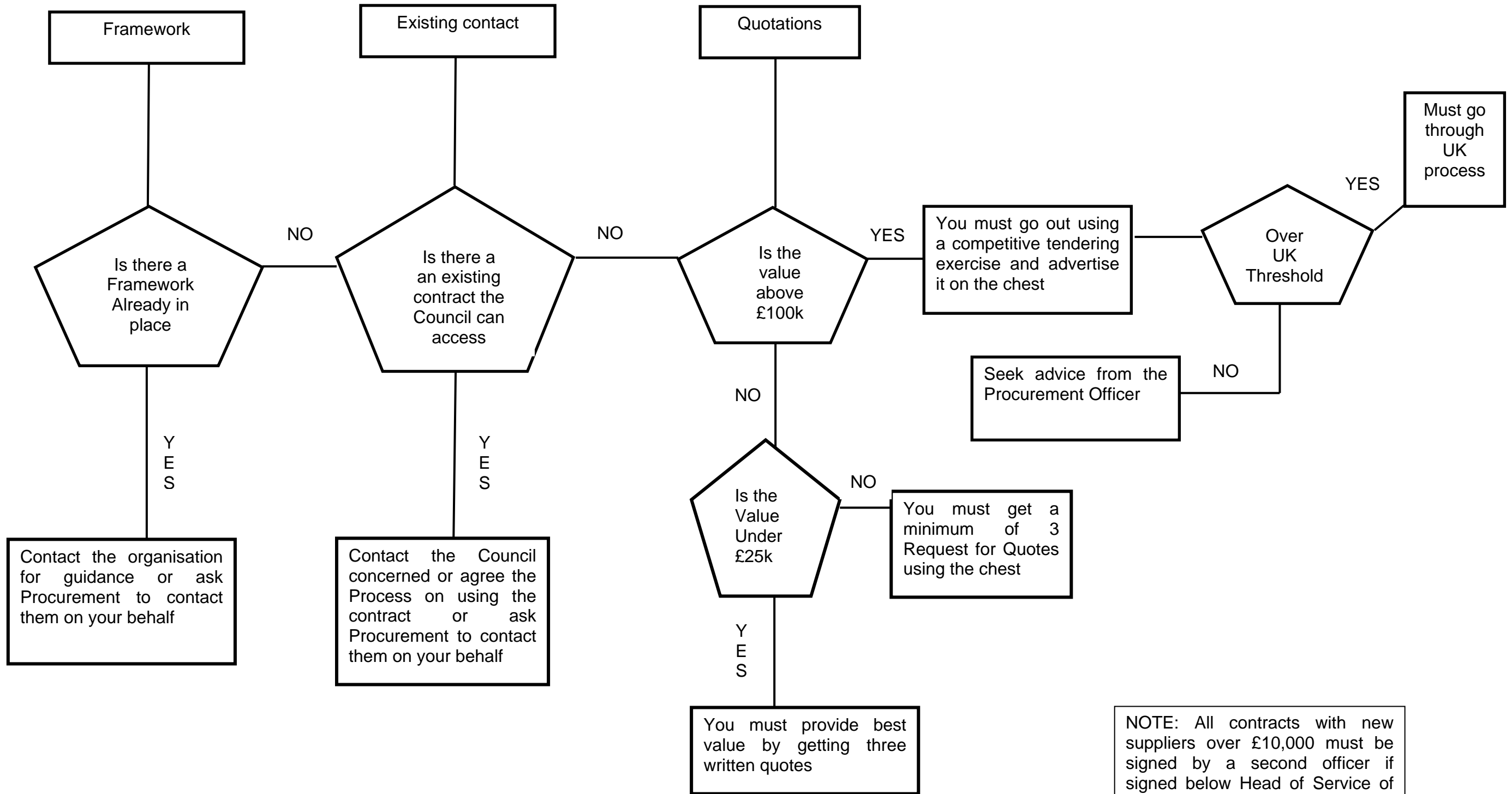
In the event of a significant or deliberate breach of these Rules, the Finance Director shall report details to the next meeting of the Executive with any proposals for remedial action.

Contracts Register

As a result of the transparency code, local authority must publish details of all contracts with a value greater than £5,000. The Council has set up a contracts register that contains contracts for the last three years. This register is required in addition to the CHEST as it contains additional information to ensure that we meet the Transparency Code requirements. This is mandatory for any spend over £5,000 and if officers are not going through the CHEST for a procurement exercise, then they will need to either advise the Procurement Officer or Legal of the details of the contract. The contract register is updated on a monthly basis and is published on the website.

PROCUREMENT FLOWCHART

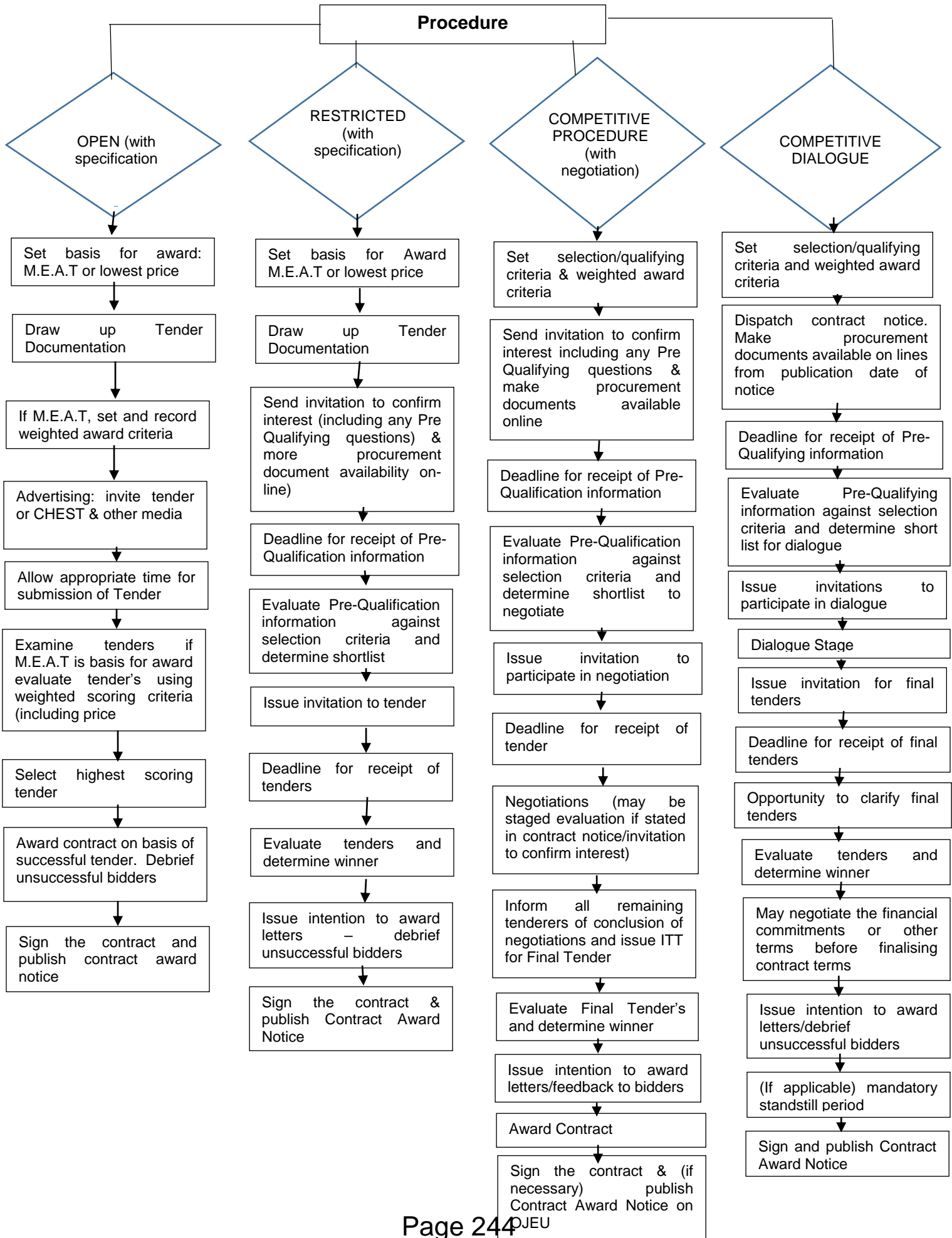
You have these options to consider before proceeding



NOTE: All contracts with new suppliers over £10,000 must be signed by a second officer if signed below Head of Service of Legal Services Manager.

PROCUREMENT ROUTES

APPENDIX 2



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Guide to Contract Management and Control

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Introduction

This guide aims to explain in simple terms the procedures for managing contracts with suppliers for the provision of Council works, goods and services.

The Council's constitution incorporates Financial Regulations and Financial Procedure Rules that provide a framework for managing the Authority's financial affairs. They apply to every Member and Officer of the Authority and anyone acting on its behalf.

Should you require further information or wish to comment on the content of this guide please contact the Head of Internal Audit.

Currency of Contract

Once award of the contract has been formally accepted the Spending Officer will notify the successful firm and arrange for the works to commence. All contracts over £100,000 must be in writing and agreed by the Legal Services Team, but this does not prevent permission being given for works to commence prior to the completion of the written contract. In such circumstances, the Legal Services Team will issue, or authorise the issue of, a Letter of Intent to the contractor giving permission to begin work. The letter can be downloaded from the Procurement page of the Intranet.

Before allowing the works to commence the Spending Officer must be satisfied that the contractor has sufficient insurance cover and that this is effective throughout the contract period. Under normal conditions the contractor will be obliged to provide insurance for the works and injury or damage to persons and property. Please contact the Council's Insurance Officer if further guidance is required.

In most forms of contract it will be the contractor's responsibility to draw up a programme showing the anticipated duration of the work. The Spending Officer should ensure that this master programme is produced and that it is updated as work progresses.

The Spending Officer must attend site meetings to discuss progress with contractors. These meetings should be minuted for future reference and include reference to authorised variations and to any particular difficulties being experienced which may effect progress and the final cost.

Responsibility for co-ordinating operations as well as information rests with the Spending Officer. Any deficiencies in co-ordination will manifest themselves in delays and discontent amongst the parties concerned. Regular attendance at site meetings should enable the Spending Officer to spot any problems that require immediate investigation to ensure that the contractor acts promptly to prevent any reoccurrence or deterioration.

Difficulties that occur during the contract period are often attributable to poor or confused communications. An essential control is a proper system for the rapid transmission of information between parties. Efficient and effective responses to situations must be made with a minimum of delay or disruption.

Quality control during construction is achieved by ensuring that the work is carried out in accordance with the specification and drawings and to the required standards. Variation orders may be issued to correct any errors made in the design stage or to correct any unforeseen problems arising during the contract period. This may involve amendments to construction drawings, measurements, progress charts and contract programmes.

Valuations of Work Done and Interim Payments

Payments will be made to the contractor on the basis of valuations of work compiled by the contractor of the aggregate value of work completed to date. The contractor will normally submit monthly valuations together with supporting documentation to the Spending Officer for substantiation and payment. Checks must be made to establish the accuracy of the valuation and these evidenced by signature.

Payments are normally made to contractors on a monthly basis and in accordance with the specific conditions detailed in the contract document. Each payment will be certified by a designated officer and show the total valuation to date, less retention and previous payments, and any adjustments for materials on site.

Before payment is made, details must be recorded in a contract payments register, or other appropriate document, as a means of identifying potential contract management problems at an early stage. It is important that payments are made to contractors on time and in accordance with the periods outlined in the contract document. Interest can be claimed on late payment in accordance with the Late Payment of Commercial Debt legislation (1998).

Control of Contract Variations

It would be unrealistic not to expect the need for some amendments to be made to the original design and specifications of the project. In the interests of proper financial management it is very important, however, that such amendments are adequately controlled.

The Spending Officer must monitor variations closely to ensure that, wherever possible, approval of the executive is sought at an early stage so that the contract is not unduly delayed.

It is impractical to expect the Spending Officer to seek formal approval for every proposed change, as any delay while approval is being sought could easily cause additional extra costs that far outweigh the value of the original changes. The Spending Officer may therefore implement changes that collectively are not expected to increase costs by more than the financial values specified in the Council's Financial Regulations and Financial Procedure Rules, without the need to seek the specific approval of the executive. The Spending Officer is required to prepare and submit reports, jointly with the Finance Director, to the Executive on completion of all contracts where the final expenditure exceeds the approved contract sum by either 10% or £25,000 whichever is the lesser.

It is stressed that the financial value is the total of all variations as numerous variations, although relatively small in value individually, can collectively exceed this sum.

The Spending Officer must actively monitor the scheme, seeking explanations and considering options available in order that where possible the estimated final cost of the contract remains within the initial budget and contract period. Failure to monitor effectively may result in the Spending Officer being unaware of changes and the cost involved until the scheme is complete.

Variation orders are the means by which the Spending Officer instructs the contractor to carry out work either differently or in addition to the work specified in the contract document. In some forms of contract variation orders may be referred to as architect's instructions or contract administrator's instructions. A variation order is contractually required where there are additions, omissions, substitutions, alterations or any other changes to any parts of the works that are necessary for the completion of the contract.

Variation orders must be in the form of written instructions to the contractor and the likely cost of each variation assessed prior to the issue of the instruction. In cases where this would cause serious disruption to the contract, or where immediate action is necessary to prevent danger or damage, the instruction can be issued without prior costing, but must be costed within 7 working days of the issue date.

All standard forms of contract explain how variations are to be valued. Basically if the work is of a similar nature then the rates in the bill of quantities should be used. If not, a rate should be fixed by the contract administrator in agreement with the contractor. Alternatively, the contractor may be ordered to carry out the work on a day work basis, where it is not possible to value the work on an ordinary pricing basis.

Contract Claims and Extensions of Time

Circumstances may occur where contractors, through no fault of their own, incur additional costs that are not recoverable through the normal administration of the contract. In accordance with the appropriate contract conditions, contractors will seek reimbursement of such costs by submitting a claim for loss and/or expense.

The circumstances giving rise to claims will vary and it is impossible to compile rules to meet all eventualities, but the general principle is that contractors are entitled to any additional costs they have actually incurred due to the action, or inaction of Council officers responsible for the contract.

Engineering and building forms of contract make it clear that it is the contractor's duty to give prompt notification, in writing, of his/her intention to make a claim. Notification from the contractor must include adequate explanation and evidence in support of the claim and refer to relevant contract clauses in the contract conditions.

The most common forms of claim are for prolongation and disruption, and the costs associated with these are notoriously complex to substantiate. It is not unusual however, for claims to be exaggerated, and so it is incumbent upon the contract administrator to establish the accuracy of any claim through well-maintained documentation, and to be satisfied that the principles on which the claim is based are reasonable.

Most contractors will plan to carry out the works in such a way as to finish before the prescribed date for completion. When circumstances beyond their control occur, contractors may apply for an extension of time to avoid the imposition of Liquidated Damages. (See calculation of liquidated /ascertained damages later in the guidance).

Contract conditions indicate a number of situations that may entitle the contractor to apply for an extension of time and emphasise the duty of the contractor to submit a claim promptly. This is to prevent contractors, who are getting close to the original completion date, from submitting a claim in respect of a situation occurring many months earlier. The clauses do not however preclude the contractor from seeking an extension of time long after the event occurred.

In practice, if the time for completion has been exceeded there are three possible situations:

- No extension of time is granted and liquidated damages can be deducted for the whole of the over-run period;

- Extensions of time are granted for only part of the over-run period and liquidated damages are deductible for that period not covered by an extension of time; or
- Extensions of time are granted that fully cover the extra period and no deduction of liquidated damages can be made.

Upon receipt of a request for an extension to the contract, the period of delay must be assessed and if an extension of time is substantiated the contractor must be notified promptly, and in any event prior to the issue of the final certificate for payment. At this point, the Contractor / Lease Due Diligence Checklist (Appendix 3) should be completed again and returned to the council's Procurement Officer to be retained with the contracts register.

To safeguard the council's right to deduct liquidated damages if the contract is over-running, the Spending Officer must certify in writing that the contractor ought reasonably to have completed the works within the contract period. Liquidated damages should be recovered from the contractor where the terms of the contract have not been duly performed; any decision not to recover damages should be recorded giving reasons.

Within seven days of the expiry of the contract date for completion or as extended, the responsible Spending Officer must issue a formal certificate of non-completion in accordance with the relevant contract conditions.

Calculation and Recovery of Liquidated Damages

Every contract that is estimated to exceed £100,000 must make provision for liquidated damages to be recovered from the contractor where they have failed to complete the work within the time specified in the contract, or as extended. Liquidated damages are intended to reimburse the Council for any additional costs incurred as a result of the delay.

The Spending Officer for the contract must determine the amount of liquidated damages specified in the written contract. In accordance with the relevant contract conditions, liquidated damages must be a "genuine predetermined estimate" of the losses likely to be incurred due to delays in completing the contract.

It is important that a separate calculation is made for each individual contract and is not merely an amount extracted from a similar contract, as this may result in the amount of liquidated damages being challenged as a penalty, and therefore, not enforceable.

It is essential that details of the calculation of liquidated damages are retained to demonstrate that it is a genuine estimate of loss associated with the contract. Further guidance should be sought from the Legal Services Manager.

In accordance with the relevant contract conditions, the Spending officer will only be able to obtain payment for liquidated damages if the following events have occurred:

- Extensions of time due to the contractor have not been awarded within the time scales stipulated in the relevant contract conditions;
- The contractor has been formally notified of the Council's intention to deduct damages; or
- The contract administrator has certified, through the issue of a "Notice of Failure to Complete" that in his opinion the works should have been completed by the due date.
Note:- that under JCT Contract for minor building works this certificate is not necessary

and liquidated damages can be deducted as soon as the contractor exceeds the stated completion date.

In certain situations the Spending Officer may consider it beneficial to waive liquidated damages rather than to risk the submission of a claim from the contractor that could potentially be for a higher value. In such instances, it must be clearly demonstrated why it is in the best interest of the Council, not to apply damages.

Contract Cost Control and Monitoring

The Spending Officer for each contract must ensure that suitable procedures are in place for the effective monitoring of progress and cost, with the objective of ensuring that the contract is completed within the approved contract sum and that any unavoidable costs are identified quickly.

To achieve this a financial statement, assessing the probable final cost must be prepared by the Spending Officer every time a contract payment is made. This statement should take into account all known factors including variations and any adjustment of prime cost and provisional sums, and progress towards completion. The financial statement attached at Appendix 1 is recommended for this purpose.

The Spending Officer must seek explanation for any significant differences between the previous financial statement and take appropriate action should it be likely that the approved contract sum or expected date for completion will be exceeded.

The Spending Officer is required to prepare and submit reports, jointly with the finance director, to the Executive on completion of all contracts where the final expenditure exceeds the approved contract sum by either 10% or £25,000 whichever is the lesser.

In addition the Spending Officer must prepare regular reports reviewing the capital programme provisions for their service, and a quarterly return of the estimated final costs of schemes in the approved capital programme. This must be submitted to the Executive as part of the performance management framework.

Certificate of Practical or Substantial Completion

On completion of the works the contract administrator must issue a Certificate of Practical or Substantial Completion. This certifies the date when, in his/her opinion, the works reached practical completion.

Appendix 1 – Suggested Project Financial Statement

PROJECT:		DATE
Report : No 3 (week 12)	Omissions £	Additions £
Contract Sum		418,495.00
Contingencies / claims	25,000	
Prime Cost Sums	53,900	39,962.30
Provisional Sums	49,050	17,362.85
Variations		67,855.67
Anticipated Variations		5,000.00
Sub Total	127,950	548,675.82
Less omissions		127,950.00
Estimated Final Cost		420,725.82
Progress :-		
Date of Commencement	17 April 2015	
Date of Anticipated Completion	5 February 2016	
Duration	42 weeks	
% of contract period complete	85%	
Valuations		
Gross Valuation No 3	£340,000	
% of estimated final cost	81%	

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Defects Liability Period and Inspections

Contractor's Final Account

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Introduction

This guide aims to explain in simple terms the procedures for completion and review of contracts with suppliers for the provision of Council works, goods and services.

The Council's constitution incorporates Financial Regulations and Financial Procedure Rules that provide a framework for managing the Authority's financial affairs. They apply to every Member and Officer of the Authority and anyone acting on its behalf.

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Taking Possession of the Completed Work

In the run up to completion, the Spending Officer for the contract must ensure that appropriate arrangements are made for the formal hand over of the completed works. The requirements for taking over and maintaining the completed work should have been specified in the tender and contract documents and will usually involve functional testing and inspection of the various aspects of the services, supplies or works incorporated within the contract specification.

The Spending Officer should ensure that unacceptable defects are dealt with before determining that a state of practical completion can be certified. A Certificate of Practical or Substantial Completion must be issued promptly once tests have been completed and the Spending Officer is satisfied that in accordance with the terms of the contract, the works are substantially completed.

Defects Liability Period and Inspections

For construction and engineering works the contractor is responsible for making good any defects that become apparent during the defects liability period (or maintenance period). This period runs from the date of practical completion (or substantial completion), as shown on the completion certificate, for a period as stipulated in the contract documentation, normally six or twelve months, depending on the standard form of contract used.

At the time the practical completion certificate is issued a list of outstanding works (the snagging list) will be provided to the contractor and remedial work completed as soon as possible within the specified maintenance period. These defects must be put right at the contractor's expense if, in the opinion of the contract administrator, they are due to the neglect or failure of the contractor to comply with their contractual obligations.

Inspections of the satisfactory completion of any work on the 'snagging list' must take place near the end of the defects liability period, but within the period stated in the contract documents, so that the contractor may be held responsible for rectifying defects for which they are liable. The Spending Officer is entitled to withhold payment to cover the cost of any work outstanding at the end of the defects liability period. They may also arrange for the defects to be completed by other means and the costs recovered from the defaulting contractor.

In order to safeguard against default by the contractor, either in completing the works or in carrying out the remedial measures, sums are retained from interim payments made to the contractor. The normal procedure is:

- A fixed percentage (eg 5%) is deducted from each valuation until a maximum limit is reached (e.g. 3% of the contract sum);
- Retention remains at this maximum limit until substantial achievement of the works is achieved;
- Upon substantial completion of the works, half of the retention money is released; and
- Upon issue of the maintenance certificate confirming that all outstanding defects have been rectified, the balance is contractually due for release.

The final retention sum should only be released once all defects have been rectified and the Spending Officer has agreed the contractor's final account.

Contractor's Final Account

At the end of, or during, the maintenance/defects liability period the contractor will produce their final account. Controls in place throughout the contract should have ensured the continuous measurement and valuation of the works from the outset. Such controls will ensure that full documentation is available for examination to support the final account. Subject to the co-operation of the contractor, this should make the agreement and payment of the final account no more than a formality, since the majority of items will have been verified during the contract period.

The checking and agreement of the final account can, however, become a very time consuming task and may not be completed until well after the end of the defects liability period. Traditional problem areas, such as claims, should have been considered and settled during the period of the contract, although there may be occasions when alternative arrangements have to be initiated in order to reach a financial settlement with the contractor concerned.

In these circumstances, the Spending Officer should report on the position regarding settlement of the final account and any claims and details of the estimated final costs. In accordance with Financial Regulations and Financial Procedure Rules, the Spending Officer is required to prepare a quarterly return of estimated final costs of schemes for submission to the Executive as part of the performance management framework.

The Spending Officer should ensure that every effort is made to satisfactorily conclude settlement within the period stated in the contract or otherwise within a reasonable period thereafter. Although pressure should not be applied to settle at any price, neither is it in the Council's best interest to allow settlement of the final account to drift on for many years.

Final Cost Report and Internal Audit Examination

Once the contractor's final accounts and any claims have been settled the Spending Officer must submit a report to the executive where the final expenditure exceeds the approved contract sum by more than 10% or £25,000, whichever is the lesser. This report should provide a cost appraisal of the final expenditure and explanations for any increases over the original contract sum approved.

There is no requirement for the contractor's final accounts to be audited in detail prior to the release of the respective final payment. Internal Audit shall, however, examine final accounts to the extent that they consider necessary and are entitled to receive such information and explanations as required in order to be satisfied as to their accuracy.

Learning from Experience

Following completion of the project, it will be necessary to undertake a thorough and formal post completion review. This is important since the success of future contracts could be improved by the results of constructive analysis of performance on completed schemes.

Such a review is often overlooked but should be seen as an essential component for achieving good value for money from the contract process. The Spending Officer should ensure that a review is undertaken as soon as practically possible following completion of a project. There should be three distinct elements to the review:

- The provision of sufficient information by the Contractor to allow the Council to get the optimum from the facilities, works or services;
- The identification of any problems encountered during the contract and possible solutions to prevent them happening again, to ensure that lessons are learnt for future contracts (resulting in improved economy, effectiveness, and efficiency); and
- A review of the control procedures and whether the completed contract was successful in achieving the objectives and performance expected as detailed in the original contract specification.

Performance of the Contractor

A review should also be undertaken of the performance of the contractor to assist in the future selection of tenderers. Appraisal forms designed for this purpose are provided as appendices; Appendix 1 for contractors and Appendix 2 for consultants.



Appendix 1 – Post Contract Appraisal Form (Contractor)

Contractor: _____

Project: _____

Date of Practical Completion: _____

Details	Good		Satisfactory	Poor
1. Site organisation				
2. Head Office organisation				
3. Relationship between client/ contractor				
4. Quality of Workmanship				
5. Contractor's compliance with Health and Safety standards				
6. Control of sub-contractors				
	Yes	No	Comments	
7. Did contractor have any difficulty in providing adequate labour or plant?				
8. Did the contractor sub-contract a large proportion of the work?				
9. Were the works completed on time, taking into account any extensions granted?				
10. Did the contractor complete any remedial works without being unduly pressed?				
11. Did the contractor make unreasonable claims?				
12. Were contractual claims settled satisfactorily?				
13. Were the final accounts settled satisfactorily?				
14. Did the contractor re-programme or reschedule works efficiently where problems were encountered or where extensions of time were granted?				
15. Would you employ this contractor again?				
16. Any further comments				

Signature of Spending Officer: _____

Date: _____



Appendix 2 – Post Contract Appraisal Form (Consultant)

Consultant: _____

Project: _____

Date of Practical Completion: _____

Details	Good		Satisfactory	Poor
1. Organisation				
2. Quality of pre-contract service				
3. Quality of post contract service				
4. Financial Control				
5. Co-operation with client/project sponsor				
6. Co-ordination with other consultants, relevant persons and bodies				
	Yes	No	Comments	
7. Were services generally completed on programme in both pre and post contract stages?				
8. If no, were the circumstances outside the consultant's control?				
9. Were any parts of the commission sub-let?				
10. Did the consultancy employ adequate staff of the required quality?				
11. Did the partners supervise the project adequately?				
12. Were any unreasonable claims for additional fees, or requests for extensions to the programme submitted?				
13. Would you engage this consultant again?				
14. Any further comments				

Signature of Spending Officer: _____

Date: _____

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Guide to the Engagement and Use of Consultants

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Planning the Engagement

Selection of Consultants

Contract Award

Managing the Engagement

Reviewing Performance

Appendix 1 - Quality/Price Mechanism for the Selection of Consultants

Appendix 2 – Post Contract Appraisal Form (Consultant)

Introduction

This guide aims to explain in simple terms the procedures for engaging and using consultants for the provision of Council works, goods and services where the value of the contract exceeds £25,000.

The Council's constitution incorporates Financial Regulations and Financial Procedure Rules that provide a framework for managing the Authority's financial affairs. They apply to every Member and Officer of the Authority and anyone acting on its behalf.

Should you require further information or wish to comment on the content of this guide, please contact the Head of Internal Audit.

The key stages relating to the engagement of consultants can be subdivided into five distinct phases;

- Planning the engagement;
- Selection of consultants;
- Contract award;
- Managing the engagement; and
- Reviewing performance.

Guidance on each of these stages is set out below.

Planning the Engagement

The use of consultants can be an efficient and cost effective way of supplementing the Council's capacity to achieve service objectives. Their use, however, can be expensive compared to properly planned use of our own staff and should only be used in the following circumstances, where:

- Specialist skills are required that are not available in house; or through existing Council arrangements;
- Council staff who could undertake the works are already fully committed in the time scale required; and
- An independent opinion, advice or investigation is necessary.

Occasionally the Council needs to obtain advice regarding the feasibility of works of a specialist nature. In such cases specialist consultation is permitted as an initial step, but this should be done without any guarantee of extending the appointment to cover any consequentially approved project.

When considering the engagement of consultants the Spending Officer must justify the engagement, ensuring that budgetary provision exists and that a comprehensive brief has been developed.

In all cases it is essential that a clear and well thought out brief for the engagement is drawn up. In particular the brief should include the following items:

- The purpose of the project together with any necessary background information;
- The scope and content of the project;
- The required timing of the project and an assessment of the consequences of failure to meet time targets; and
- The expected budgetary constraints.

The brief should really be able to be broken down into evaluation criteria for use in monitoring the consultant's performance. For relatively straightforward or repetitive projects an adequate brief may be drawn up in a single step, but for larger, more complex projects the brief as finally agreed, may be the product of an evolutionary process.

Selection of Consultants

The competitive process relating to consultants must follow the principles for appointing contractors, with the condition that in circumstances requiring flexibility, or a specialism, the Spending Officer may need to refer to wording regarding exemptions to the Contract Procedure Rules.

The engagement value, used to determine the correct method of procurement, shall be defined as the total fees payable plus an estimate of the total expenses reimbursable to the consultant.

If a consultant applies to be included on an Approved List then at least two satisfactory written references should be obtained to confirm that the consultant has demonstrated an ability to carry out work of a similar nature to that required. Further guidance on Approved Lists is contained within the Guide to Quotations and Tenders.

It is increasingly common for tenders not to be evaluated on price alone, as the cheapest price may not represent the best value. The Council's Contract Procedures provide for contracts being awarded on a value for money basis, or the "most economically advantageous tender" (MEAT).

A suggested mechanism for evaluating bids on both quality and price is attached as Appendix 1, but whatever evaluation model is used, it is vital that tender documents clearly state the criteria upon which the assessment is to be made; to ensure the process is transparent, documented and complies with public procurement rules.

Contract Award

All engagements must be made in writing in accordance with the Council's Contract Procedure Rules, and as set out in the Guide to Quotations and Tenders, and a record of the engagement notice or letter placed on the engagement file. If required clarification should be sought as to the consultant's previous employment via their CV or via Human Resources.

The Council's Scheme of Delegation to Officers gives authority to all Service Directors "to engage specialist or consultant services where necessary if within an approved cost or estimate or provided that the cost does not exceed the limit, over which Service Directors may not agree to transfer expenditure from one estimate to another".

Consideration should be given to the employment status (IR35) of specialist or consultant services. The HMRC employment status assessment tool will need to be completed where appropriate.

It is good practice for a meeting to take place shortly after the engagement has been made to 'fine tune' the brief and to ensure that both parties are clear as to the arrangement. The Spending Officer must minute the meeting and document any revision to the initial brief. Significant changes to the brief should not be necessary unless the brief was poorly defined in the first instance. In such circumstances the Spending Officer would be open to criticism

that the revised brief bears little resemblance to that for which tenders were initially invited, thus distorting the process.

It shall be a condition for the engagement of any consultant for the supervision of a Council contract, that the consultant is compliant with the Council's Financial Regulations and Financial Procedure Rules. In this regard, the Spending Officer is required to ensure that the consultant is supplied with, or has access to, these documents.

Managing the Engagement

Throughout the engagement the Spending Officer must ensure that monitoring arrangements provide assurance that the performance of the consultant is as expected, in accordance with the levels and standards of the service specified in the conditions of appointment. A record must be made of the performance review and this placed on the engagement file.

All deviations from the original brief shall be documented along with a mutually agreed course of action for resolving the problems within an appropriate and defined time scale. Any financial effects should, where possible, be agreed in advance. If such action fails to rectify the situation within the specified time scale then the Spending Officer should notify the executive of the circumstances.

On no account must the Spending Officer allow an engagement to drift away from the defined requirements of the engagement brief over a protracted period of time, as problems are best addressed when they arise.

In any event, the Spending Officer must submit a report to the executive where the final cost of the engagement appears to exceed the approved contract sum by either 10% or £25,000 whichever is the lesser.

In all cases where an engagement brief is revised, a copy must be supplied to the consultant for their records and it made clear in writing that the new brief supersedes the old, to avoid any confusion.

Reviewing Performance

On completion of the engagement it is essential that the Spending Officer undertakes a final review to compare the work produced or service provided against the defined objectives. If any objectives have failed to be achieved, the reason for the failure must be documented together with any corrective action that needs to be taken.

In every case the Spending Officer shall, as soon as possible, complete and retain on the engagement file, a 'Consultant Post Contract Performance Appraisal Form' see Appendix 2.

Appendix 1 - Quality/Price Mechanism for the Selection of Consultants

The following model is suggested, which sets out a quality and price mechanism for the appointment of consultants including architects, engineers, surveyors and project managers. The procedures demonstrate how quality is taken into account during the tender process and justifies any decision for accepting a bid other than the lowest.

The principal features of the quality/price mechanism are as follows.

A quality/price mechanism should be established before bids are invited and tender documentation designed to ensure that the mechanism can be applied to responses received. In accordance with public procurement rules, the tender documentation must specify the criteria for evaluation. A quality/price ratio agreed at the outset represents the percentage weightings given to quality and price. The more complex the project, and hence the greater degree of innovation likely to be required from the consultants, the higher the ratio should be. In considering a quality/price mechanism, however, it should be recognised that some projects may not require such detailed assessment.

The quality/price mechanism should be agreed by the tender evaluation panel.

The Public Services (Social Value) Act 2012 should be taken into account on all relevant new contracts. This covers such factors as policies aimed at supporting small local firms, supporting voluntary organisations and the employment of young people.

The impact on climate change and how the contract will reduce or increase carbon emissions for the council and the Borough should be taken into consideration on all relevant contracts. Advice is to be taken from the council's Climate Change and Environmental Projects Officer on the weightings to be used during the tender evaluation process.

In assessing the quality after tenders have been received, each member of the panel should compile their own marks with an average being taken for assessment purposes. Relevant documents should be signed and retained for future reference.

Indicative ratios suggested for various types of projects are:

Type of Project	Indicative Ratio Quality/Price
Feasibility studies and investigations	85/15
Innovative projects	80/20
Complex projects	70/30
Straightforward projects	50/50
Repeat projects	20/80

Quality criteria should be grouped under six main headings and weighted. Recommended headings and suggested weighting ranges are;

Quality Criteria	Suggested Weighting Ranges*
Practice or Company	20 – 30%
Project organisation	15 – 25%
Key project personnel	30 – 40%
Project execution	20 – 30%

Social Value	up to 10%
Climate Change	10 – 50%

* Weightings will total 100%

A quality threshold should be established and suppliers should be informed of this minimum requirement in advance (e.g. a minimum total score of 65 points out of 100 in respect of the quality criteria stated above). Tenderers must achieve this minimum score before prices are considered.

Submitted tenders are assessed for quality by marking each of the four criteria out of 100, multiplying each mark by the respective weighting percentage and then adding them together to give a total quality score out of 100. Consultants passing the quality threshold (ideally two or three) are interviewed, their quality scores reviewed and their prices examined. In assessing the price, the lowest compliant bid scores 100 and the others score 100 minus the percentage figure above the lowest price.

Example

Three prices are received and scored as follows:-

Company	Price	Score	Calculation
Consultant A	£1,500	100	Lowest = 100
Consultant B	£1,750	83.3	$100 - ((250/1500) \times 100)$
Consultant C	£1,900	73.3	$100 - ((400/1500) \times 100)$

Or if lowest price is £10/hour and the next is £12.50/hour; the scores are 100 and 75 respectively.

The final quality/price assessment is achieved by multiplying the quality and price scores by the respective weightings set by the quality/price ratio and adding them together to give a total score out of 100 (e.g. if the ratio is set at 70/30 and the quality score is 80 and price is 75, the total score is $(80 \times 70\%) + (75 \times 30\%) = 78.50$). On this basis the highest scoring consultant should be awarded the contract.



Appendix 2 – Post Contract Appraisal Form (Consultant)

Consultant: _____

Project: _____

Date of Practical Completion: _____

Details	Good		Satisfactory	Poor
1. Organisation				
2. Quality of pre-contract service				
3. Quality of post contract service				
4. Financial Control				
5. Co-operation with client/project sponsor				
6. Co-ordination with other consultants, relevant persons and bodies				
	Yes	No	Comments	
7. Were services generally completed on programme in both pre and post contract stages?				
8. If no, were the circumstances outside the consultant's control?				
9. Were any parts of the commission sub-let?				
10. Did the consultancy employ adequate staff of the required quality?				
11. Did the partners supervise the project adequately?				
12. Were any unreasonable claims for additional fees, or requests for extensions to the programme submitted?				
13. Would you engage this consultant again?				
14. Any further comments				

Signature of Spending Officer: _____

Date: _____

Appendix 3

Contractor / Lease Due Diligence Checklist

Provider: _____

	YES	NO	NOT REQUIRED
Procurement Process			
Conflict of Interest Form			
Due Diligence			
Companies House printout			
Audited Accounts			
Credit agency check (if required)			
Contractor Documentation			
Contract (signed)			
Service Level Agreement			
Timetable / Scheme of Work			
Contractor staff list (inc DBS checks if required)			
Leases			
Legal - Terms and Conditions sign-off			
Finance – affordability checks			
Section 151 Officer (or Deputy) Sign-off (required for all leases – no other officers can sign a lease for the council)			

In accordance with Part 4.06.07/9 and Part 4.06.07/18, once completed this form should be returned to the Procurement Officer to be retained alongside the councils' contracts register.

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Officer Employment Procedure Rules

1. Recruitment and Appointment

(a) Declarations

- (i) The Council requires any candidate for appointment as an Officer to provide details if they are related to any Member or Officer of the Council.
- (ii) No candidate so related to a Councillor or an Officer will be appointed without the authority of the relevant Corporate Director.

(b) Seeking Support for Appointment

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

2. Recruitment of Chief Executive (Head of Paid Service)

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

- (a) draw up a statement specifying:
 - (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

3. Appointment of the Chief Executive (Head of Paid Service)

The Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by the Senior Officer Appointments Committee which is subject to the political balance rules. That Committee must include at least one Member of the Cabinet.

4. Other Appointments

(a) Appointment of Corporate Directors

Appointment of Corporate Directors is the responsibility of the Senior Officer Appointments Committee appointed by the Council.

(b) Officers below Corporate Director Level

Appointment of officers below Director level is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by Councillors.

5. Disciplinary Action

(a) Suspension

The Head of Paid Service, Monitoring Officer and the Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay, last no longer than two months and shall be in accordance with the relevant statutory and employment provisions.

(b) Independent Person

No other disciplinary action may be taken in respect of any of those Officers except in accordance with a recommendation in a report made by a designated independent person.

(c) Councillors will not be involved in the disciplinary action against any Officer below Corporate Director level except where such involvement is in respect of allowing a right of appeal to Members in respect of disciplinary action.

6. Dismissal

Councillors will not be involved in the dismissal of any Officer below Chief Executive level except where such involvement is in respect of allowing a right of appeal to Members in respect of dismissals.

COUNCILLORS CODE OF CONDUCT

Wyre Council- Councillor Code of Conduct 2021

Statement

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public. This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

Introduction

All councils are required to have a local Councillor Code of Conduct.

This code is based on the Local Government Association's Model Councillor Code of Conduct issued in May 2021. However some amendments have been added to the model code to reflect local practices in Wyre.

Definitions

For the purposes of this Code of Conduct, a "councillor" means a member or co-opted member of a local authority or a directly elected mayor. A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

For the purposes of this Code of Conduct, "local authority" means Wyre Borough Council and Town and Parish Councils in the Wyre district.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government.

It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Wyre Council's Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer and/or consult with the Independent Person on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included at Appendix D to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

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

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

2. Bullying, harassment and discrimination

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected

characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

3.2 I have due regard to advice provided by the Council's officers, particularly any advice given by the Chief Finance Officer, the Monitoring Officer or their Deputies and the Head of the Paid Service.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

- a.** given to me in confidence by anyone
- b.** acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless
 - i.** I have received the consent of a person authorised to give it;
 - ii.** I am required by law to do so;
 - iii.** the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
 - iv.** the disclosure is:
 - 1.** reasonable and in the public interest; and
 - 2.** made in good faith and in compliance with the reasonable requirements of the local authority; and
 - 3.** I have consulted the Monitoring Officer prior to its release.

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my

4.3 I do not prevent anyone from getting information that they are entitled to bylaw.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

5.2 I uphold and have respect for the law.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest, unlawful and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

6.2 I do not place myself under a financial or other obligation to outside individuals or organisations that might seek to influence me in the performance of my official duties.

6.3 I make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.

6.4 I am accountable for my decisions to the public and cooperate fully with whatever scrutiny is appropriate to my office.

6.5 I am open as possible about my decisions and actions and the decisions and actions of my authority and prepared to give reasons for those decisions and actions, in accordance with statutory requirements or any additional requirements made by the council.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local authority or authorising their use by others:

- a.** act in accordance with the local authority's requirements; and
- b.** ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. Complying with the Code of Conduct

As a councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests

As a councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a councillor:

I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

10.1 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt and details of the donor (Details will be kept on a Councillor Gifts and Hospitality register and published on the Council's website).

10.2 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality

which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

11. Conduct

As a councillor:

- 11.1** I promote and support high standards of conduct when serving in my public post, in particular as characterised by the above requirements, by leadership and example.
- 11.2** I am clear when communicating with the media or speaking in public that I do not give the impression I am acting in an official capacity when I am not. Nor should I express my own views in a way which misleads anyone reading or listening that it is official or agreed policy or position of the council when it is my own personal view or those of a political party or group of people of which I am a member.
- 11.3** I have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

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

Integrity

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

Objectivity

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

Accountability

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

Openness

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

Honesty

Holders of public office should be truthful.

Leadership

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

Appendix B - Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

“**Disclosable Pecuniary Interest**” means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it -

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you

have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative or close associate; or
 - c. a financial interest or well-being of a body included under Other Registerable Interests asset out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest.

10. Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer

Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

You must register as an Other Registerable Interest:

- a) any unpaid directorships
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body
 - (i) exercising functions of a public nature
 - (ii) directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

of which you are a member or in a position of general control or management

Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or groupwhips to discuss standards issues.

Appendix D - Guidance on Local Government Association Model Councillor Code of Conduct.

<https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct>

Appendix E – The International Holocaust Remembrance Alliance Definition of Anti-Semitism

“Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”

Contemporary examples of antisemitism in public life, the media, schools, the workplace, and in the religious sphere could, taking into account the overall context, include, but are not limited to:

- Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.
- Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.
- Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).
- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.
- Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.
- Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor.
- Applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation.
- Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.
- Holding Jews collectively responsible for actions of the state of Israel.

Antisemitic acts are criminal when they are so defined by law (for example, denial of the Holocaust or distribution of antisemitic materials in some countries).

Criminal acts are antisemitic when the targets of attacks, whether they are people or property – such as buildings, schools, places of worship and cemeteries – are selected because they are, or are perceived to be, Jewish or linked to Jews.

Antisemitic discrimination is the denial to Jews of opportunities or services available to others and is illegal in many countries.

Appendix F – Declarations of Interest Flowchart

This is a flowchart indicating best practice procedures for councillors when declaring interests in meetings. Please see the following document.

Maintaining and promoting high standards of conduct

Declaring interests at meetings

Familiarise yourself with the Councillor Code of Conduct which can be found in Part 5 of the Council's Constitution.

Before the meeting, read the agenda and reports to see if the matters to be discussed at the meeting concern your interests.

Does the matter directly relate to one of my Disclosable Pecuniary Interests (DPIs) (set out in Table 1)?

Yes

I have a DPI and cannot take part without a dispensation

Yes

I have an ORI and must disclose it. I may speak as a member of the public but not discuss or vote and must leave the room

Yes

I have a NRI and must disclose it. I may speak as a member of the public but not discuss or vote and must leave the room

Yes

Am I or they affected to a greater extent than most people? And would a reasonable person think my judgement is clouded?

Yes

I have an interest and must disclose it. I may speak as a member of the public but not discuss or vote and must leave the room

No

Does the matter directly relate to the finances or wellbeing of one of my Other Registerable Interests (ORIs) (set out in Table 2)?

No

Does it directly relate to the finances or wellbeing of me, a relative or a close associate?

No

Does it affect the finances or wellbeing of me, a relative or a close associate or any of my ORIs?

No

I have no interest to disclose

No

I have no interest to disclose

What are the principles of bias and pre-determination and how do they affect my participation in the meeting?

Bias and predetermination are common law concepts. If they affect you, your participation in the meeting may call into question the decision arrived at on the item.

Bias Test

In all the circumstances, would it lead a fair minded and informed observer to conclude that there was a real possibility or a real danger that the decision maker was biased?

Predetermination Test

At the time of making the decision, did the decision maker have a closed mind?

If a councillor appears to be biased or to have predetermined their decision, they must NOT participate in the meeting.

For more information or advice please contact the Monitoring Officer (mary.grimshaw@wyre.gov.uk).

Selflessness

Councillors should act solely in terms of the public interest.

Integrity

Councillors must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships. They should act with integrity and not place themselves in situations where this is questioned.

Objectivity

Councillors must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

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

Openness

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

Honesty

Councillors should act with honesty and should not place themselves in situations where their honesty may be questioned.

Leadership

Councillors should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

PROCEDURES FOR DEALING WITH ALLEGED BREACHES OF THE CODE OF CONDUCT BY COUNCILLORS

Explanatory Notes

1. Introduction

This procedure applies when a complaint is received that a councillor has or may have failed to comply with the council's Code of Conduct for Councillors.

The arrangements governing standards of behaviour by local councillors are established in Section 28 of the Localism Act 2011, and specified in regulations made under the Act.

The council is required by the Act to approve a Code of Conduct for Councillors and agree procedures for dealing with any alleged breaches of that Code. Wyre Council's Code of Conduct is based on the Local Government Association's Model Councillor Code of Conduct issued May 2021 with some amendments to reflect local practices in Wyre.

Parish and Town Councils within the Wyre area are also required either to adopt the Wyre Code or to approve their own Code of Conduct. Any complaints about breaches of such Codes by Parish or Town Councillors have to be submitted to Wyre Borough Council's Monitoring Officer and, will be dealt with under the procedures set out in these notes.

2. What is the Code of Conduct?

The purpose of the code is to assist councillors in modelling the behaviour that is expected of them. It specifies that councillors must have regard to the Seven Principles of Public Life, also known as the Nolan Principles. Based on these, the following general principles and obligations should be followed when acting as a councillor:

- act with integrity and honesty;
- act lawfully;
- treat all persons fairly and with respect;
- lead by example and act in a way that secures public confidence in the role of councillor;
- impartially exercise responsibilities in the interests of the local community;
- not to improperly seek to confer an advantage, or disadvantage, on any person;
- avoid conflicts of interest;
- exercise reasonable care and diligence; and
- ensure that public resources are used prudently in accordance with the local authority's requirements and in the public interest.

The code sets out the councillor obligations, which are the minimum standards of conduct required and specifies arrangements for the registration and declaration of financial and other interests, which must be followed by councillors.

A full copy of the Wyre Code of Conduct is included in Part 5.01 of the Council's Constitution.

3. How to make a complaint

If you wish to make a complaint, please submit it to the council's Monitoring Officer, using the online form available [here](#). Please make clear, in particular, which of the requirements of the Code of Conduct you think the councillor(s) has breached.

Anonymous complaints will not be considered.

Any councillor who is the subject of a complaint (the subject member) will be informed by the Monitoring Officer of the complaint either during or at the conclusion of stage 1 of this process. The Monitoring Officer will normally tell the subject member the name of the complainant and the details of the complaint, unless he/she considers that there are special reasons for keeping that information confidential.

4. How will your complaint be dealt with?

A flowchart which shows, in diagrammatic form, how your complaint will be dealt with and by whom, is set out at Annex A.

Monitoring Officer

Your complaint will be dealt with, in the first instance, by the council's Monitoring Officer. The council is required by the Local Government and Housing Act 1989 to designate a senior officer to undertake this role, which has various responsibilities relating to complaints. He/she will consult with one of the Independent Persons, appointed by the council for this purpose, under the provisions of the Localism Act.

The council's Deputy Monitoring Officer will assist the Monitoring Officer with consideration of, and investigation of complaints. Reference to the Monitoring Officer throughout this document may also include the Deputy Monitoring Officer.

Independent Persons

Independent Persons are people who are neither councillors nor officers of the council but are appointed under Section 28 of the Localism Act 2011 to work with the council to support them with Code of Conduct complaints and standards issues. Under the Localism Act their views must be sought and taken into account on any matter under investigation. The subject member may seek their views at any stage of the process.

Stage 1 – Procedure for Initial Assessment of the Complaint

The complaint will automatically be rejected if:

- The subject member was not a councillor at the time of the alleged misconduct.
- The subject member was not acting in their capacity as a councillor at

the time of the alleged misconduct.

Where a complaint is rejected on either of the above grounds the Monitoring Officer will write to the complainant explaining why their complaint cannot be dealt with under this procedure.

The Monitoring Officer may request further information from the complainant, the subject member or any other persons as appropriate before reaching a decision.

If the complaint has not been rejected on either ground as set out above the Monitoring Officer will then go on to further assess the complaint including consideration of the following:

- Is the complaint very minor or trivial?
- Is the complaint vexatious or malicious, politically motivated or ‘tit for tat’?
- Is the complaint about or related to historical issues?
- Is there a potential breach of the Code of Conduct?
- Is it in the public interest to investigate or take action on the complaint?

The options available to the Monitoring Officer, at this stage in the process, are:

- To reject the complaint or to decide to take no action – in which case he/she will state the reason for doing so;
- To seek further information, usually from the complainant, to clarify the particulars of the complaint;
- To seek an informal resolution (including, for example, an apology, or mediation);
- To carry out further investigation, or appoint another officer or an external person to investigate the complaint;
- To refer the complaint to the Police or other investigatory body (e.g. the Department of Work and Pensions), if a criminal offence has, potentially, taken place.

If the decision is to take no action over a complaint, then as soon as possible after making the decision notification will be sent to the complainant and subject member of the decision setting out clearly the reasons for that decision including the views of the Independent Person.

Stage 2 - Informal Resolution

The Monitoring Officer will seek the views of the Independent Person in considering whether informal resolution is the most appropriate way of dealing with a complaint.

An informal resolution is a more proportionate way of dealing with relatively minor allegations, one-off incidents or underlying disagreements between individuals.

Informal resolution may be sought following initial investigations, which is likely

to include seeking further information from the complainant and subject member.

Notification of the outcome of the informal resolution process should be sent to the complainant and the subject member stating what the allegation was and the resolution recommended.

Types of informal resolution might include:

- An apology from the subject member;
- An agreement from the subject member to attend relevant training or take part in a mentoring process;
- Engaging in a process of mediation or conciliation between the subject member and the complainant; or
- Any other action capable of resolving the complaint.

If the Monitoring Officer's attempts to reach an informal resolution are unsuccessful, he/she can reconsider the complaint and pursue other options available or refer for formal investigation as set out below.

Stage 3 - Formal Investigation and report

Any investigation, under Stage 3 of this process, will be conducted either by the Monitoring Officer or a person appointed by him/her. (If the Monitoring Officer himself/herself conducts the investigation he/she will not be able to act as the advisor to the Audit and Standards Committee at any subsequent hearing relating to that complaint).

The investigating officer will examine any available evidence of the alleged Breach and will interview the complainant, the subject member and, if appropriate, any witnesses. He/she will prepare a report setting out:

- Established/agreed facts;
- Facts which are not agreed and corresponding conflicting evidence;
- His/her conclusion on whether or not there has been a breach of the Code of Conduct.

Completion of the investigation

The Investigation Report will be considered by the Monitoring Officer with the Independent Person. The Monitoring Officer can dismiss the complaint, seek an informal resolution or take other action as appropriate including referring the matter to a Standards Hearing.

If the conclusion of the investigation is that there has been no breach of the Code of Conduct, the Monitoring Officer will inform the complainant and the subject member of that finding and tell them either that no further action is to be taken or, if applicable, that he/she intends to take some other action outside of the complaints process.

If the conclusion of the investigation is that there has been a breach of the Code of Conduct, the Monitoring Officer can seek to resolve the issue

informally without a hearing, for example, by the subject member admitting the breach and apologising. However, if the Monitoring Officer cannot reach a suitable resolution or he/she considers such an approach to be inappropriate, he/she will arrange a hearing of the Audit and Standards Committee.

Stage 4 – Audit and Standards Committee Hearing

A hearing may be called where the investigator has concluded that there has been a breach of the Code of Conduct and the Monitoring Officer has concluded that the matter cannot otherwise be resolved informally.

The hearing will be arranged at least 14 days and no later than 3 months after the investigation report has been issued. Where that is not possible, the Monitoring Officer should notify the relevant parties of the reason for the delay and provide an estimated timescale.

If a complaint has reached this stage, the hearing will normally be held in public, in order to promote public confidence and ensure fairness and transparency. However, the Committee will be able to resolve to exclude the public and press whilst any confidential or exempt information is considered and will usually do so when reaching its decision.

Once a date has been set for the hearing the Monitoring Officer will notify:

- The subject member;
- The investigator;
- The relevant Independent Person;
- The complainant (if appropriate);
- The clerk of any relevant town or parish council.

If the subject member is unable to make the specified date the panel may arrange the hearing to be held on a different date, provided that they are satisfied that the subject member has given an acceptable reason. Where the subject member does not give an acceptable reason or does not reply within a specified time, the panel will proceed with the date and may consider the report in the subject member's absence.

Arrangements for the hearing will be made in accordance with the pre-hearing procedure attached as Annex B.

The procedures to be followed at the hearing are set out in Annex C.

The decisions available to the Committee are:

- to take no further action
- to reach an informal resolution between the complainant and the subject member (if agreed by both parties)
- if it finds that there has been a breach of the Code, to impose one or more sanctions listed in paragraph 20 of the Hearing Procedure attached as Annex C.

5. Appeals

There is no right of appeal available either to a complainant or a subject

member against conclusions reached or actions taken by the Monitoring Officer or decisions made by the Audit and Standards Committee at any stage in this process.

6. Audit and Standards Committee Reports

The Monitoring Officer will submit a summary report of complaints received to each scheduled meeting of the Audit and Standards Committee where there is other business to be transacted and otherwise report all complaints annually. Information provided to the committee will include the types of allegations received since the previous meeting and a brief summary of the current position on complaints being dealt with under this process. Information about the names of individuals or specific details of complaints will not be made available at this stage in the process.

No Councillor should reveal any information to the media or in public about a complaint which is currently being dealt with or is not upheld.

7. Additional help and contact details

In line with the requirements of the Equality Act 2010, we can make reasonable adjustments to assist you, if you have a disability that prevents you from making your complaint in writing.

We can also help if English is not your first language.

If you need any support in completing this form or, if you need any further clarification of the complaints process please contact the Monitoring Officer on 01253 887605 or the Democratic Services and Scrutiny Manager on 01253 887481.

When you have completed the attached form, please send it to:

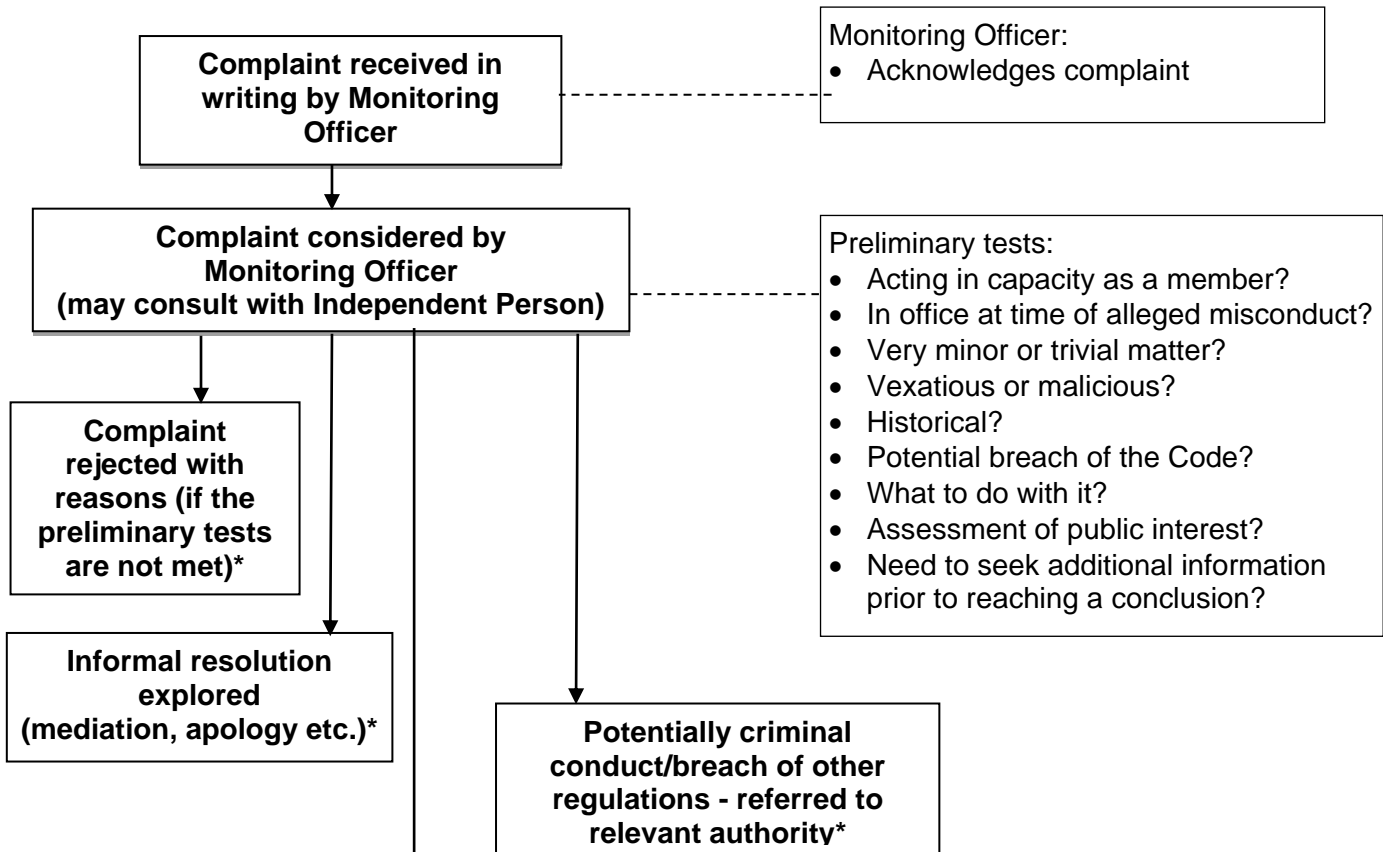
The Monitoring Officer
Wyre Borough Council
Civic Centre
Breck Road
Poulton-le-Fylde
Lancashire
FY6 7PU

Or email to: monitoringofficer@wyre.gov.uk

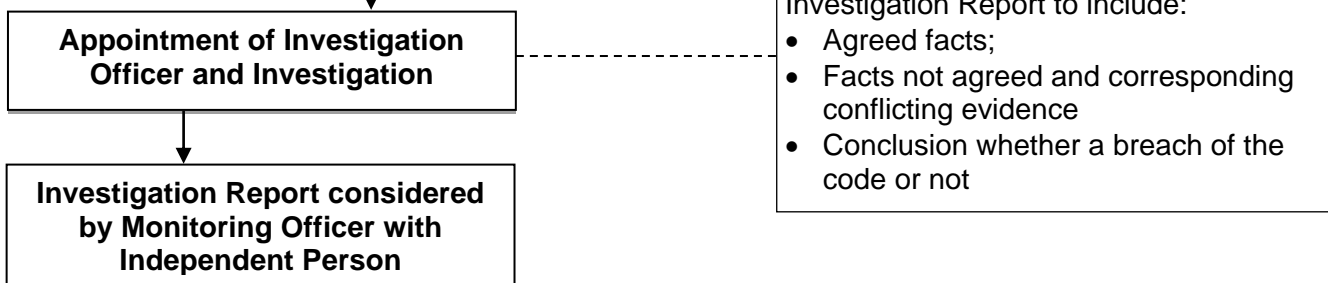
ANNEX A

Complaints Procedure Flowchart

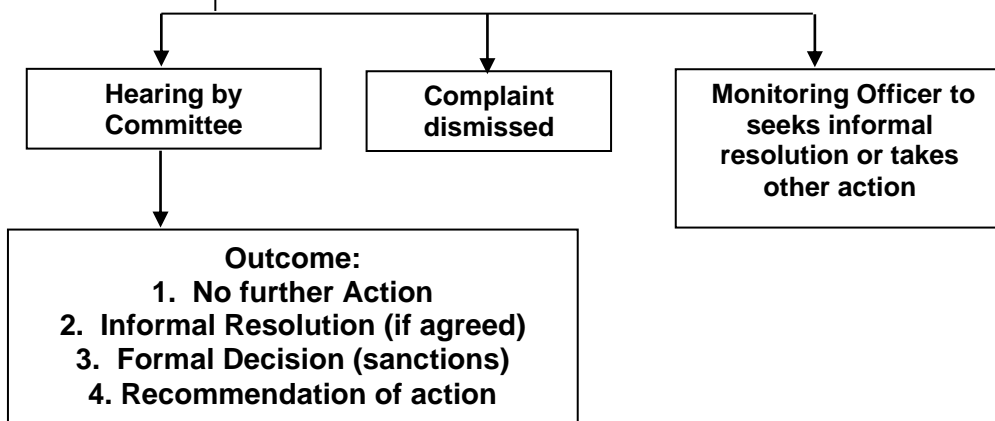
Stage 1/2



Stage 3



Stage 4



The Monitoring Officer will submit summary information on each complaint to each scheduled meeting of the Audit and Standards Committee.

ANNEX B**AUDIT AND STANDARDS COMMITTEE
PRE-HEARING PROCEDURE**

1. Where an investigation report has found that there has been a breach of the Code of Conduct, and the matter cannot otherwise be resolved by local resolution, for example by the Subject Member admitting the breach and apologising, a hearing will be arranged. The hearing will generally be a meeting of the Committee convened specifically for that purpose.
2. A copy of the investigation report will be sent to the Subject Member, the complainant, the clerk to the town/parish council if the complaint relates to the Subject Member's conduct as a parish councillor, and to the Independent Person.
3. The Subject Member will be asked for a written response within ten working days. The response should set out the Subject Member's reply to the Investigating Officer's report and state whether he/she disagrees with any of the findings of fact in the report, giving the reasons for any disagreement. The response must also state if he/she:
 - wishes to be represented or accompanied by another person;
 - wishes to give evidence to the Committee, either orally or in writing;
 - wishes to call relevant witnesses to give evidence to the Committee;
 - wishes any part of the hearing to be held in private;
 - wishes any part of the Investigating Officer's report or other relevant documents to be withheld from the public.

The Subject Member may seek the views of the Independent Person who has not been involved in the consideration of the earlier stages in the complaints process.

4. The Subject Member will be informed that if, at the hearing by the Committee, he/she seeks to dispute any matter contained in the Investigating Officer's report without having previously notified the intention to do so, the Committee may refuse to allow the disputed matters to be raised unless satisfied that there are good reasons why they have not been raised beforehand.
5. Upon receipt of the Member's response, the Investigating Officer will be invited to comment on it within ten working days, and to say whether or not he/she:
 - wishes to call relevant witnesses to give evidence or submit written or other evidence to the Committee
 - wishes any part of the hearing to be held in private
 - wishes any part of the report or other relevant documents to be withheld from the public
6. Upon receipt of the Investigating Officer's response, the person advising the Committee at the hearing (either the Monitoring Officer or if he/she has carried out the investigation, the Deputy Monitoring Officer) will consider the responses of the Subject Member and the Investigating Officer and set a date for the hearing in consultation with the chairman of the Committee.

7. The Subject Member and the Investigating Officer will be entitled to request that any witnesses they want should be called. However, the Chairman of the Committee may limit the number of witnesses to be called, if he/she believes the number requested is unreasonable and that some witnesses will simply be repeating the evidence of earlier witnesses, or else not providing evidence that will assist the Committee to reach its decision.
8. Nothing in this procedure shall limit the Chairman of the hearing from requesting the attendance of any additional witnesses whose evidence he/she considers would assist the Committee to reach its decision.
9. The Monitoring Officer, in consultation with the Chairman and the Independent Person, will:
 - confirm a date, time and place for the hearing
 - confirm the main facts of the case that are agreed
 - confirm the main facts that are not agreed
 - provide copies of any written evidence to the relevant parties
 - confirm which witnesses will be called by the parties
 - provide the parties with copies of the proposed procedure for the hearing, specifying which parts of the matter, if any, may be considered in private

ANNEX C**AUDIT AND STANDARDS COMMITTEE
HEARING PROCEDURE**

1. The Hearing Committee will decide, on a balance of probabilities, on the evidence presented to it, whether the complaint is upheld.
2. All matters will be decided by a simple majority of votes cast. If there are equal numbers, the Chairman shall have a second and casting vote.
3. The Independent Person will attend the hearing in an advisory, non-voting capacity.
4. The meeting will be open to the press and public unless confidential or exempt information is likely to be disclosed and a resolution is passed to exclude them.
5. The Procedure for the hearing shall be as follows, but the Chairman may agree to vary this procedure in any particular instance where he/she is of the opinion that such variation is necessary in the interests of fairness.
6. The Subject Member may be represented or accompanied during the meeting with the permission of the Committee. It is the responsibility of the Subject Member to arrange any representation.
7. The Committee may take advice from the Monitoring Officer/Deputy Monitoring Officer (provided that they have not conducted the investigation) at any time during the hearing or during its deliberations. The substance of any advice given to the Committee will be shared with the Subject Member and Investigating Officer if they are present at the hearing.
8. At the start of the hearing, the Chairman will introduce each of the members of the Committee, the Independent Person, the Subject Member (if present), the Investigating Officer (if present) and any other officers present, and shall then explain the procedure which the Committee will follow in the conduct of the hearing.
9. The Committee shall then confirm that it is quorate, and deal with any disclosures of interests.
10. If the Subject Member is not present at the start of the hearing:
 - The Chairman will ask the Monitoring Officer/Deputy Monitoring Officer whether the Subject Member has indicated his/her intention not to attend the hearing.
 - The Committee will then consider any reasons which the Subject Member has provided for not attending the hearing and will decide whether it is satisfied that there is sufficient reason for such failure to attend.
 - If the Committee is satisfied with such reasons, it will adjourn the hearing to another date.
 - If the Committee is not satisfied with such reasons, or if the Subject Member has not given any such reasons, the Committee will decide whether to consider the matter and make a determination in the absence of the Subject Member, or to adjourn the hearing to another date.

11. After the preliminary procedures, the Committee will consider whether or not there are any significant disagreements about the facts contained in the Investigating Officer's report.
12. If there is disagreement, the Investigating Officer will present the evidence which is relevant to the facts in dispute. With the permission of the Committee, witnesses can be called to give relevant evidence. The Subject Member, the Committee members and the Independent Person may ask questions of the Investigating Officer or any witness.
13. The Subject Member or his/her representative will then present the evidence that is relevant to the facts in dispute. With the permission of the Committee, witnesses can be called to give relevant evidence. The Investigating Officer, the Committee members, the Independent Person and the Monitoring Officer/Deputy Monitoring Officer, may ask questions of the Subject Member or any witnesses.
14. If the Subject Member disagrees with any relevant fact in the report without having given prior notice, he or she must give good reasons for not mentioning it before the hearing. After considering the Subject Member's explanation, the Committee may continue with the hearing, relying on the information in the report, may allow the Subject member to make representations about the issue and invite the Investigating Officer to respond and call any witnesses as necessary, or may postpone the hearing to arrange for appropriate witnesses to be present.
15. Having usually considered the evidence submitted in public the Committee will consider in private, with the Independent Person and the Monitoring Officer (or the Deputy Monitoring Officer), its findings of fact, and its conclusion on whether there has been a failure to comply with the Code of Conduct. Depending on the complexity of the case, this may be done in two stages, with the Committee first hearing evidence and making findings of fact, and then hearing representations as to whether, on those facts, there has been a failure to comply with the Code of Conduct and making a finding on that issue.
16. At any stage in the consideration of the matter, the Committee may return to ask further questions of the Investigating Officer or the Subject Member or seek further information. The other party will be given an opportunity to comment upon the questions asked or the responses made.
17. At the conclusion of the Committee's deliberations, the Chairman will advise the Subject Member and the Investigating Officer of their findings.
18. If the Committee concludes that the Subject Member has failed to comply with the Code of Conduct, the Chairman will invite representations from the Investigating Officer and the Subject Member as to what action, if any, it should take, and will take advice also from the Independent Person. The Committee may ask questions of the Subject Member and the Investigating Officer. The Subject Member will be invited to make any final relevant points.
19. The Committee shall then consider in private, with the Independent Person and the Monitoring Officer or Deputy Monitoring Officer) whether to impose a sanction, and, if so, what sanction to impose and when that sanction should take effect.

20. The sanctions open to the Committee are:
- to censure the subject member;
 - to report its findings to full Council (or relevant parish council);
 - to recommend the subject member's Group Leader (or in the case of an ungrouped member to recommend to the Council) the removal of the Subject Member from any or all Committees;
 - if the subject member is a member of the Cabinet, to recommend the Leader of the Council to remove them from the Cabinet or to relieve them of particular Portfolio Holder responsibilities (in some circumstances this might be for a limited period of time);
 - to recommend to the subject members Group Leader that he/she be removed from some or all outside appointments to which he/she has been appointed by the Council;
 - to instruct the Monitoring Officer to request the subject member to attend training;
 - to withdraw any equipment or privileges provided to the subject member by the Council for a specified period of time as deemed appropriate by the Committee;
 - to exclude the subject member from the Council's offices with the exception of meeting rooms as necessary for attending Council, Committee or Task Group meetings, for a specified period of time;
 - if relevant recommend to council that the subject member be removed from their role as leader of the authority;
 - if relevant recommend to the secretary or appropriate official of a political group that the councillor be removed as group leader or other position of responsibility.
21. If the finding relates to the Subject Member's conduct in his/her capacity as a town/parish councillor, the Committee will report its findings to the town/parish council, and may make recommendations to the town/parish council on the imposition of sanctions.
22. In deciding to impose a sanction, the Committee will consider all the relevant circumstances.
23. The Chairman will announce the decision of the Committee. Written notice of the findings of the Committee will be given as soon as is reasonably practicable to the Subject Member. If the complaint was against the Subject Member as a town/parish councillor, written notice of the findings of the Committee will also be sent to the Town/Parish Clerk.
24. The Committee may consider making any recommendations to the authority concerned with a view to promoting higher standards of conduct among its members.
25. The decision of the Committee, whether or not there has been a finding of breach of the Code of Conduct, will be made public.

COMPLAINT FORM: ALLEGED BREACHES OF THE COUNCILLORS CODE OF CONDUCT

Your Details

1. Please provide us with your name and contact details:

Title (Mr/Mrs/Ms/Other):

First Name:

Last Name:

Address:

Daytime Telephone:

Evening Telephone:

Mobile Telephone:

Email Address:

(Please see attached notes explaining who this information will be given to).

2. Please tell us whether you are:

- A member of the public
- An elected or co-opted Councillor
- A Member of Parliament
- A Monitoring officer for another Council
- A Council employee
- Other (please specify)

3. Please state the name of the Councillor(s) you believe have breached the Code of Conduct and which Council they are a Member of:

<u>First Name</u>	<u>Last Name</u>	<u>Council Name</u>

(Please note that if your complaint relates to a Wyre Borough Councillor who is also a Lancashire County Councillor or a Member of a Parish or Town Council within the Wyre area, then the information on this form may be shared with that other Council).

4. Please explain in this section what the Councillor has done that you believe breaches the Code of Conduct. If you are complaining about more than one Councillor you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

It is important that you provide all the information you wish to have taken into account by the Monitoring Officer when he/she decides whether to take any action on your complaint. For example:

- You should state which specific provision(s) in the Code of Conduct which you think the Councillor has failed to comply with.
- You should be specific, wherever possible, about exactly what you are alleging the member said or did. For instance, instead of writing that the member insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

- 5. If you do not want your name to be revealed to the Councillor you are complaining about, please say why here.

(Please see attached notes explaining how such requests will be considered).

Date:

Please send your completed form to:

The Monitoring Officer
Wyre Borough Council
Civic Centre
Breck Road
Poulton-le-Fylde
Lancashire
FY6 7PU

Or email to: monitoringofficer@wyre.gov.uk

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PROTOCOL FOR OFFICER/MEMBER RELATIONS

A Protocol for Employee/Councillor Relations

1. Purpose of the Protocol

- 1.1** The Protocol sets a framework to assist Councillors (including any Co-opted Members) and Employees of the Council to work together in a spirit of co-operation and mutual respect. The objective is to ensure that Councillors receive objective and impartial advice and that Employees are protected from accusations of bias and any undue influence in the execution of their duties.

2. Basis of the Protocol

- 2.1** To support the principles of the Codes of Conduct
- 2.2** To support Councillors and Employees in their roles as servants of the public, each with their distinct responsibilities. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Employees are responsible to the Council, and carry out the Council's work under the direction and control of the Council, their committees and subcommittees
- 2.3** To generate mutual respect and assist Employees and Councillors observe high standards of courtesy and probity in their working relationships

3. Dealing with a breakdown in relationships

- 3.1** Where a Councillor has a concern or cause for complaint about an Employee's performance or behaviour s/he should attempt to resolve the issue through informal discussion in private. If that fails, the matter should be taken up with the Employee's line manager.
- 3.2** Where an Employee has cause for complaint against a Councillor, s/he should raise the matter informally with the Councillor in private. Where this is not possible or fails to resolve the issue, the matter should be raised with the Employee's line manager or if the line manager is unable to deal with the issue, the matter can be referred to the appropriate Director.

NB Nothing in 3.2 prevents an Employee making a complaint that a Councillor has breached the Code of Conduct direct to the Monitoring Officer.

4. Provision of Employee advice to Councillors and Party Groups

- 4.1** Employees serve the Council as a whole and not any political grouping or individual Councillor. Employees must always operate in a fair and even-handed manner.
- 4.2** Employee support is limited to information and advice on Council business. It does not extend to Party or external business.

- 4.3 Employees need to be aware that should they attend political group meetings these may include non-members of the Council who are not subject to the Council of Conduct.
- 4.4 When providing information or advice to political groups, Employees must at all times maintain confidentiality and political neutrality.
- 4.5 Requests from Councillors for written factual information about service delivery or other operational issues must be appropriate, reasonable and proportionate. Councillors must not seek information on such matters as case work, eg benefits, grants, individual personal matters, etc.
- 4.6 The Monitoring Officer will arbitrate on any dispute as to provision of information with a final appeal to the Chief Executive who will consult with the relevant Group Leader(s) before reaching a final decision.

Advice on budget proposals

- 4.7 The governing Administration shall be entitled to confidential discussions with Employees regarding their budget options and proposals.
- 4.8 The Opposition shall be entitled to confidential discussion with Employees to enable them to formulate alternative budget proposals.
- 4.9 In both cases, options and proposals remain confidential until such time as the Administration or Opposition decide to release them.
- 4.10 Any issue or uncertainty concerning advice on budget proposals should be raised with the Chief Executive who will discuss them with the relevant Group Leader.

5. Provision of Support Services to Members and Party Groups

- 5.1 By law, the Council may only provide support services (e.g. office services and logistics) to Councillors to assist them in discharging their role as elected members of the Council. They should never be used in connection with party political or campaigning activity or for private purposes.

6. Councillors' Access to Information and to Council Documents

- 6.1 Councillors may request such information, explanation and advice as they reasonably need in order to assist them in discharging their role as an elected member of the Council. Such approaches should normally be made to the appropriate Employee.
- 6.2 Councillors have a statutory right to inspect any Council document which contains material relating to any business which is to be transacted by the Council. This right does not, however, apply to documents relating to certain items which may appear as a confidential green item on the agenda for a meeting. Councillors have the same rights as members of the public under Freedom of Information legislation.

- 6.3** The common law right of Councillors is much broader and is based on the principle that any Councillor has a right to inspect Council documents in so far as access to the document is reasonably necessary for the proper performance of his/her Council duties. This principle is commonly referred to as the “need to know” principle. There is no right to “a roving commission”.

Further advice in connection with access to information can be obtained from the Monitoring Officer.

7. Employee/Cabinet Member Relationships and lines of authority.

- 7.1** Whilst some Employees work closely with Cabinet members, it is important that professional “distance” is maintained so as not to compromise the Employee’s impartiality.
- 7.2** Whilst Cabinet Members will routinely be consulted as part of the process of drawing up proposals for consideration or the agenda for a forthcoming meeting, the content of any report provided to the Cabinet will be the responsibility of, and reflect the professional judgement of the appropriate report author. Any issues arising between a Cabinet Member and a Director in this area should be referred to the Chief Executive for resolution in conjunction with the Leader of the Council.
- 7.3** Resolutions may be passed, which authorises named Employees to take action between meetings following consultation with a Councillor or Councillors. In all cases, it is the Employee who takes the action and is accountable for it.
- 7.4** Employees are accountable to their Director and whilst Employees should always seek to assist a Councillor, they must not exceed the authority they have been given by their Director.

8. Correspondence

- 8.1** Correspondence between an individual Councillor and an Employee should not normally be copied to any other Councillor without the permission of the Councillor.
- 8.2** Official letters on behalf of the Council should normally be sent in the name of the appropriate Employee, rather than in the name of a Councillor. It may be appropriate in certain limited circumstances (eg. representations to a Government Minister) for a letter to appear in the name of a Member, but this should be the exception rather than the norm. Letters which, for example, create obligations or give instructions on behalf of the Council should never be sent out in the name of a Member.

9. Involvement of Ward Councillors.

- 9.1** Whenever a consultative exercise or public meeting is organised by the Council, all the Councillors representing the Ward or Wards affected should as a matter of course, be notified and invited to attend any meeting.

- 9.2** Employees should consider whether policy or briefing papers, or other topics being discussed with a Cabinet Member, should be discussed with relevant Ward Councillors. Employees should seek the views of the appropriate Cabinet Member(s) as to with whom and when this might be done.

10. Publication of the Employee/Councillor Protocol

- 10.1** Copies of the Protocol will be issued to all Councillors along with other documentation upon election or appointment.
- 10.2** Questions of interpretation of this Protocol will be determined by the Monitoring Officer.

11. Establishing Good Employee/Councillor Relations – Checklist

11.1 Employees should:

- Work with Councillors in a spirit of mutual respect and co-operation.
- Remember that as an Employee, you serve the Council as a whole and not any particular group or individual.
- Maintain impartiality.
- Maintain political neutrality.
- Respect confidentiality.
- Observe the protocols with regard to access to information.
- Try to resolve any issues with Councillors informally and in a spirit of understanding. Formal complaints must always be handled in accordance with the Council's Procedures.

11.2 Councillors should:

- Respect confidentiality.
- Respect the impartiality of WBC Employees.
- Place no undue pressure on WBC Employees to operate outside their remit.
- Observe the protocols with regard to access to information.
- Promote equality and mutual respect between Councillors and Employees. Check that your behaviour and action does not constitute discrimination, bullying or harassment against Employees.
- Try to resolve any issues with Employees informally and in a spirit of understanding. Formal complaints must always be handled in accordance with the Council's Procedures.

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Wyre Borough Council Computer Use Policy

1.0 Introduction

This policy covers the use by employees and elected members of any ICT equipment provided by the council.

The policy governs use of e-mail accounts and addresses and Internet service provider (ISP) facilities provided through the council as well as other mobile devices such as the use of council laptops. It also governs the connection of any electronic device to the council's IT network.

In the rest of this policy, "facilities" means anything covered in the preceding paragraph and "user" means any employee or elected member using any of the facilities. "Mobile device" includes notebooks, laptops, tablets, Memory Sticks/Pen Drives, Personal Data Assistants (PDA's) or any other mobile device. "Viruses" means any software used for or designed with malicious intent.

Every user has a responsibility to maintain and enhance the council's public image and to use the facilities in an appropriate manner. This policy has been established to inform users of what is and is not appropriate. Any improper use of the facilities is not acceptable and may be dealt with through the council's disciplinary process or through the members' code of conduct.

1.1 Access

Access to the Internet and e-mail must normally be through the use of the corporate internet/e-mail system via the corporate network. Individuals using the network must not use modems, dongles or any other communication link attached to their PC's to access the internet or any other service without the authorisation of the ICT Services Manager.

All users allowed access to the internet/e-mail systems will be required to sign a declaration that they have read and understood this Policy and are prepared to abide by it. This will be held on the user's personnel file.

The installation and configuration of software, for the purpose of internet access or the collection and delivery of e-mail, must be undertaken by a member of the ICT Team and must not be changed without the authority of the ICT Services Manager.

Access to the council's information systems via the facilities is subject to password security. Users must not reveal their security password to any other person and passwords must not be recorded (e.g. written down) in any form. The ICT Service Desk can assist in resetting forgotten passwords.

Users must 'lockdown' their facilities when not in use or when away from their desk.

Only authorised users can use the facilities and third-party access by any individual who has not signed up to the Computer Use Policy is prohibited.

Users must not log in to any council device or service for the purpose of relinquishing control to another person. Any third-party access to council systems must be arranged through the ICT Team.

1.2 Communications

Each user is responsible for the content of all data, text, audio or images that they place or send via or using the facilities. All messages must contain the user's full name as a user's email address is not a valid name. No e-mail or other electronic communication will be sent which hides the identity of the sender or represents the sender as someone else or someone from another organisation.

For efficiency purposes distribution lists should be limited and mass emailing or spamming (i.e. emailing to a large audience) is discouraged.

Any messages or information sent by a user to another individual outside of the council via an electronic network (e.g. bulletin board, online service or Internet) are statements that reflect on the council. The ICT Team will ensure that all external e-mail has the user's signature and council's standard disclaimer automatically included at the end of the message (appendix A). Non-standard signatures or disclaimers must not be used.

1.3 Acceptable Uses of the Internet, Email and Data

All Users will use the internet and email for-

- Business communication on behalf of the council.
- Lawful research into matters connected with their duties; this includes ward business and matters in connection with any special responsibility such as chairmanship.
- Political purposes so long as they are connected with the council. For example, use in connection with the leadership or other role in a political group in the council would be appropriate; as would use in connection with work as a Parish Councillor or use in connection with an outside body for which you are a council nominee. Use in connection with any other outside position or office in a political party or other organisation would not be appropriate and would be considered a potential breach of the councillors' code of conduct.
- Personal purposes which do not interfere with work productivity, do not take up excessive amounts of time, are not connected with any private business enterprise or other employment and do not result in the dissemination of any information held by the council that is not in the public domain.

The council accepts no responsibility for private use of the facilities or any loss, costs or liability, which the user or any other person may suffer as a result of the private use of the facilities.

The facilities must not be used for viewing, transmitting, retrieving or storing any material of a discriminatory or harassing nature or material that is obscene or pornographic.

The transmitting, retrieving and storage of any communications containing personal data must comply with the Data Protection Act 2018 and the UK GDPR. A summary of these requirements can be seen on the council's website.

No derogatory or inflammatory material about an individual's race, age, disability, religion, national origin, physical attributes or sexual preference shall be transmitted, retrieved or stored.

No abusive, profane or offensive language or material is to be transmitted, retrieved or stored.

The facilities must not be used for any other purposes, which are illegal, or against council policy or contrary to the council's legitimate interest.

Automatic forwarding of council emails to non-secure networks (such as personal email accounts) is not permitted.

All users will be able to access confidential council material using the facilities. Every user is responsible for the continued security of any such confidential information, which they receive, including the security of any storage of such information. Users are advised of their obligations under the Code of Conduct not to disclose such confidential information to third parties. The relevant Codes of Conduct, both for employees and councillors, are available on the intranet.

For further guidance please see appendix B.

1.4 eSafety

All staff should be aware of their responsibilities for eSafety when working with children and young people in the workplace. Information on eSafety is available via the Lancashire Safeguarding Children Board on the Lancashire County Council website. If you require further assistance with these links please contact the ICT Team.

1.5 Software and Viruses

It is important that the council's corporate networks are protected from viruses and that the following points are strictly adhered to:

Internet - there will be no unauthorised downloading of any software. All software downloaded must be registered to the council. Users should contact the ICT Team if they have any questions.

E-mail - all Wyre Council IT gateway e-mails are scanned for known viruses. This should only be used as an indication and users should be cautious of opening attachments from un-trusted sources. The council's firewall is likely to intercept emails containing executable and certain other file types. You must not therefore arrange to be sent any such attachments via the facilities.

Only equipment authorised by the ICT Team may be connected to the council's IT network. All PC's/mobile devices with internet access must have access to a virus checker. Anti virus updates are automatically deployed when mobile devices are connected to the network. The ICT Team may require access to all PC's and mobile devices at any time to check for computer viruses. Any indication of a virus must be immediately reported to the ICT Service Desk.

Users shall not interfere with IT installed software packages, configurations or switches. The Council's firewall and anti virus measures must not be disabled.

Unless there is a valid business case for its use, the 'macro' feature in Microsoft Office applications should be disabled. Where 'macros' are used they should be digitally signed and be configured to run in HIGH security mode, to ensure that only macros from administrator-controlled sources i.e. trusted locations are run.

Any prompt, suggesting the automatic upgrading of software (such as Acrobat Reader), should be declined and the matter referred to the ICT Service Desk.

1.6 Connecting Mobile Devices to the Council's Network

The use of mobile devices (such as notebooks, tablets, CDs, floppy disks, memory sticks / pen drives, cameras, phones, portable media devices e.g. iPods, iPads and handheld pocket PCs) presents additional risks to the council's information systems including:

- Increased susceptibility to viruses;
- Risk of unauthorised removal of sensitive / confidential data;
- Use of systems for non-work-related activities; and
- Reduction in productivity of staff (use of games, music, pictures).

All connections to the council's IT network are monitored and will be screened to ensure that only authorised connections are permitted. Only where a business case is made for justifying such access will permission be granted.

Information that is removed from the networked systems owned by the council must be treated with care. Caution must be used when copying data onto any mobile device. This also applies to sending data attached to emails. Data removed from the network is at greater risk; it could be lost, intercepted, copied, etc. Measures must be taken to protect this data via encryption or use of password access.

Mobile devices which connect to the council's email facilities can be securely remote wiped if required. All Users should be aware that in the event of a security incident ICT may be required to initiate this function without prior warning. This would include the User's own personal device if this has been authorised for use.

Use of mobile devices is subject to authorisation and agreement with the separate Mobile Device Policy and Bring Your Own Device policy respectively, whichever is most appropriate for the required mobile device. These will be made available on the council's intranet, and it is the users responsibility to acquaint themselves with any amendments to the respective policies. Users will be notified when amendments are made to these policies.

1.7 Copyright Issues

Users shall not knowingly infringe any copyrights by using, copying or dealing in any other way with copyrighted material without all necessary consents. It is the policy of Wyre Council to respect all computer software copyrights and adhere to the Terms and Conditions of any licence to which Wyre Council is a party. Wyre Council will not condone the use of any software that does not have a licence and any employee found to be using, or in possession of, unlicensed software will be the subject of disciplinary procedures. Users should be aware that the council complies with the requirements of FAST (Federation Against Software Theft) accreditation.

1.8 Security and Monitoring

All incoming and outgoing emails are monitored for improper content. Such monitoring may be routine, random or targeted. Targeted monitoring would be carried out where there are grounds to believe that a contravention of this policy, or the employee / member code of conduct has taken place. Any emails contravening these guidelines will be quarantined or deleted. The protocol for dealing with email can be seen on the ICT Team's section of the intranet.

The council's Internet gateway is routinely monitored for cost control, usage patterns, Prevent duty and the accessing of improper material. The council will investigate any apparent improper use. If any user feels that they have mistakenly accessed improper material or are aware of or suspect another user who is not complying with the Computer Use policy, they must notify the ICT Service Desk immediately. The council also reserves the right to implement filters and other means of blocking access to and from certain parts of the Internet from the council's gateway.

All messages created, sent or retrieved over the council's internet/e-mail systems are the property of the council and should be considered public information. The ICT Team will limit the size of e-mails and attachments to ensure that network and system performance is not hindered.

The council may audit any mobile device or PC at any time. Such audit may be carried out remotely and without specific notice or consent if the equipment is connected to the council's network. The council may take possession of equipment at any time in order to carry out an audit.

1.9 Return of Equipment by all Users

All equipment issued to users remains the property of the council. It must not be sold, given, or lent out to any third party. Mobile devices must always be kept in a safe place and never left unattended in public. Proper precautions must be taken to keep them safe from theft or accidental damage and users must not deliberately damage or modify them in any way. The council will carry out any necessary repairs and maintenance.

Equipment must be returned immediately on termination of contract or when a member ceases to be a member of the council, or at any other time if demanded verbally or, in writing on behalf of the council.

2.0 Training

Training is a requisite for all users of the internet/e-mail systems. This will be provided in conjunction with the ICT Team who can be contacted by e-mail at servicedesk@wyre.gov.uk and/or telephone on 01253 887652.

2.1 Policy Updates

Due to the changing nature of the facilities available through the Internet and e-mail, this document and any associated policies will be altered when necessary. In order to ensure that the latest copy is referred to, the official copy will be stored on the council's Hub. Users will be notified of any amendments that have been made. It is the responsibility of the user to acquaint themselves with the amendments to this or any other policies that may change from time to time.

2.2 Violations

Any employee who misuses or abuses the facilities will be subject to the Council's disciplinary procedures. Abuse of the facility (e.g. gross or continued misuse) may potentially lead to the termination of employment. If necessary, the council also reserves the right to advise appropriate bodies of any illegal violations.

Any elected member who misuses or abuses the privilege of using council equipment may result in their equipment being removed/suspended. They may also be subject to an investigation by the Monitoring Officer under the Councillors' Code of Conduct.

2.3 User Declaration

User Declaration

I have read and understood the Computer Use Policy and agree to comply with the points within the Policy.

User's Name:

Sign:

Date:

Appendix A

External E-mail Disclaimer

This e-mail contains information intended for the addressee only. It may be confidential and may be the subject of legal and/or professional privilege.

If you are not the intended recipient, any disclosure, copying, distribution or use of this e-mail and/or any attachment is strictly prohibited.

Any views expressed by the sender of this message are not necessarily those of Wyre Council. They may be personal or contain personal opinions and therefore cannot be taken to be an expression of Wyre Council's position.

If you have received this transmission in error, please use the reply function to tell us and permanently delete the message.

Please note: Incoming and outgoing e-mail messages are routinely monitored for compliance with our policy on the use of electronic communications. Wyre Council scans outgoing e-mails for viruses and it is your responsibility to carry out any checks before opening the e-mail and/or attachments.

Appendix B

Acceptable Uses of the Internet, E-mail and Data – Further Guidance

The following guidance is non-exhaustive and is intended to help you in understanding good practice when using the facilities. If you are unsure or do require further assistance, please contact the ICT Service Desk.

- 1.0 Use of facilities such as Apple iTunes or AmazonMP3 for music, movies, TV and applications is prohibited.
- 2.0 The default media player (usually Windows Media Player) should not be used for playing, converting, duplicating or copying of any CD/DVD content either via mobile media devices or the computer's internal hard drive.
- 3.0 Examples of copyrighted material can include computer software, magazine articles, reports, photographs, music and video files.
- 4.0 All software installations should be completed by the ICT Team. PC and video games should not be installed on any council equipment.
- 5.0 A tablet device is typically a computer with touch screen capabilities such as an iPad, Playbook, Galaxy Tab, Nexus, Kindle, Windows RT. All of which must be authorised by the ICT Team prior to being connected to the network.
- 6.0 A secure remote wipe of a mobile device will remove all content, settings, applications and features on the device.
- 7.0 The councils IT Network includes both Local and Wide Area Network links.
- 8.0 Use of on-line gambling websites are prohibited.
- 9.0 Peer-to-peer (P2P) networks are commonly used to transmit music and video files across the internet. Unauthorised P2P file sharing is prohibited.
- 10.0 The internet has now developed into an integral part of peoples' day-to-day lives through the introduction of on-line banking and shopping facilities and has, in many instances, replaced the necessity to physically visit the High Street / Retail Outlets. Care should be taken when accessing such facilities on the council network. Excessive use of on-line banking or shopping facilities may result in access being blocked.

- 11.0 Using search engines such as Google and Bing can accidentally direct users to inappropriate websites whose content could not have been foreseen. Care should always be taken whilst using search engines and it is not always appropriate to try every link a search engine generates.
- 12.0 Online streaming of video content that is not related to your work is prohibited due to the bandwidth it uses.
- 13.0 Unauthorised use of Social Media applications is prohibited. Authorised use is only available where such sites improve communications with citizens and are in the interests of the council. Such sites include Facebook, Twitter, Yammer, Myspace, Bebo, LinkedIn, Flickr, Photobucket and YouTube.
- 14.0 Chain letters, junk e-mail or similar correspondence should not be forwarded on either internally or externally. This includes such items as virus warnings and charity correspondence. Any email asking you to forward to all your contacts or send to ten people you know should be deleted with no further action.
- 15.0 All users should be mindful that non-verbal clues to your meaning are lost in email communication and there is potential for misunderstanding – what’s funny to you may appear rude and offensive to a recipient who only has your text to go off.
- 16.0 Trust your instincts – it’s very tempting to reply instantly to emails, but if you’ve composed a message and your ‘gut feeling’ tells you not to send it, for whatever reason - don’t! Think about the matter further before committing yourself. Venting rage by email is no more acceptable than shouting in someone’s face and sarcastic or angry emails sent in haste are likely to be regretted.
- 17.0 Use of the facilities is for the designated authorised user only. The facilities are not to be used by relatives or spouses.

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GUIDANCE FOR COUNCILLORS AND OFFICERS ON GIFTS AND HOSPITALITY

Guidance for Councillors on Gifts and Hospitality

1. This Guidance is intended to complement the council's Members' Code of Conduct. It offers guidance to Councillors with regards to best practice and the need to preserve integrity and demonstrate good governance. It has been written to protect both individual Councillors and the council. The intention of the Guidance is to ensure that the council can demonstrate that no undue influence has been applied or could be said to have been applied by any supplier or anyone else dealing with the council and its stewardship of public funds.
2. All Councillors have undertaken to abide by the council's Code of Conduct. Councillors must not use their authority or office for personal gain and shall seek to uphold and enhance the standing of the council by;
 - Maintaining an unimpeachable standard of honesty and integrity in all their business relationships.
 - Complying with the law, regulations and the council's own policies and procedures.
 - Rejecting any business practice that might be deemed improper.
 - At all times when acting for or on behalf of the council, put the interests and the reputation of the council first.
3. As a general rule **business gifts and hospitality should not be accepted by any Councillor**. The general test of caution is one of common sense. Would the public question the appropriateness of hospitality or gifts received by the councillor? You must never solicit a gift or hospitality, or accept any gift or hospitality offered as an inducement or which puts you under any obligation. On the other side of the coin, Councillors often do not wish to cause offence by rejecting a gift or offer of hospitality, for example when a member of the public wants to reward good service by offering chocolates, or a bottle of wine. It's about where to draw the line.
4. In summary, if a gift is received or hospitality accepted, unless it is of purely "token" value (e.g. a calendar, pen, or free gift at an exhibition), it should be declared to the Monitoring Officer, who will record the details in the council's register. Any such gifts should be reported to the Monitoring Officer as soon as possible and, in any case, within 28 days of receipt.
5. If you register the gift, or hospitality you received, it is then on the public record and open to scrutiny if necessary. It cannot later be alleged that the gift or hospitality was accepted, in a secret, 'underhand' way, with an ulterior motive.
6. Prior to accepting **any** gift or hospitality with a value of **£50** or more, a Councillor must seek authorisation from the Monitoring Officer. This includes gifts that are received from the same source which cumulatively, are over the value of £50 in a 12 month period. Only once consent has been given should the councillor take ownership. The details must then be provided immediately to the Monitoring Officer for recording in the council's register.

7. In relation to conventional hospitality (lunches, outings etc.) these should only be accepted provided that it is normal and reasonable in the circumstances to do so. An invitation that appears over-generous should be declined; it could be seen as an inducement to affect a Council decision. Again, you must declare the hospitality and it is advisable to discuss the offer with the Monitoring Officer if you are in any doubt as to the motive.
8. The register of gifts and hospitality and interests will be constantly updated and reviewed by the Monitoring Officer and the information will be retained for a period deemed necessary to demonstrate good governance and to address any allegations of misconduct accordingly.

Step by Step Guide

1. **Token Gifts** with no real monetary value can be accepted and do not need to be declared. These include calendars, pens etc. If you are in any doubt as to the classification of token gifts, ask the Monitoring Officer.
2. **Gifts Under £50** in value can be accepted but must be declared as soon as possible and, in any case, within 28 days of receipt. An entry will be made on the council's register by the Monitoring Officer.
3. **Gifts Over £50** in value must not be accepted without prior permission from the Monitoring Officer. If authorisation is given, and the gift accepted, it must then be registered as above.

To

Declaration of Receipt of Gifts or Hospitality

Name	
What was the gift or hospitality?	
What is your best estimate of its market value or cost?	
Who provided it?	
When and where did you receive it?	
Did you get the consent of any officer before accepting it? If so, who?	
Were there any special circumstances justifying acceptance of this gift or hospitality?	
Do you have any contact in your role as a Councillor with the person or organisation providing the gift or hospitality?	
Signed	Date

Policy for Officers on Gifts and Hospitality and Registering Interests

1. This policy is intended to complement the council's Employee Code of Conduct and Disciplinary Procedures and offers guidance for officers with regards to best practice and the need to preserve integrity and demonstrate good governance. It has been written to protect the officer as much as to protect the council. The intention of the policy is to ensure that the council can demonstrate that no undue influence has been applied or could be said to have been applied by any supplier or anyone else dealing with the council and its stewardship of public funds.
2. Officers of the council are bound by specific rules, codes of conduct and protocols, as are Members. Officers shall not use their authority or office for personal gain and shall seek to uphold and enhance the standing of the council by:
 - Maintaining a high standard of honesty and integrity in all their business relationships;
 - Complying with the law, regulations and the council's own policies and procedures;
 - Rejecting any business practice that might be deemed improper; and
 - Placing the interests and the reputation of the council first when acting for or on behalf of the council.
3. As a general rule, **business gifts and hospitality should not be accepted by any member of staff**. The general test of caution is one of common sense. Would the public question the appropriateness of hospitality or gifts received by the officer? On the other side of the coin, officers often do not wish to cause offence by rejecting a gift or offer of hospitality, for example when a member of the public wants to reward good service by offering chocolates or a bottle of wine. It's about where we draw the line.
4. Personal interests that may impinge or might reasonably be deemed by others to impinge on an employee's impartiality or conflict with the duty owed to the council should be declared in writing. These could be an officer's interests outside work, membership or affiliations to societies or clubs, business interests etc. Anything that may lead to allegations of bias or favouritism; whether it is financial or political, should be declared.
5. The council must be able to show that all its decisions are reached on the basis of value for money for the public and no other reason. Any consideration of whether or not the principles of this policy have been breached will be determined by reference to this principle.
6. Any breach of this policy and the associated codes of conduct could lead to disciplinary action being taken.
7. It is always best to seek a second opinion as to the appropriateness of any gift, hospitality, or regards any interests held outside the council that may be construed as influential, leading to favouritism. If you register the gift, or hospitality you received, or interest you have, it is then on the public record and open to scrutiny if

necessary. It cannot later be alleged that the gift or hospitality was accepted, or interest held, in a secret, 'underhand' way, with an ulterior motive.

8. If a gift is received or hospitality accepted **up to the value of £25**, unless it is of purely "token" value (e.g. diary, pen, free gift at an exhibition), it should be declared using the on-line register from on the HUB for inclusion in the council's register.
9. Prior to accepting any gift or hospitality with **a value of £25 or more**, the Officer should seek authorisation from their immediate line manager, or their Director. Only once consent has been given should the Officer take ownership and complete the on-line register form. Documentation supporting the acceptance should be passed to the Head of Governance and Business Support immediately.
10. In instances where the Chief Executive is in receipt of a gift or hospitality over the value of £25, approval must be sought from the Leader of the council. However, if both the Chief Executive and the Leader of the council are both in receipt of a gift or hospitality, approval must then be sought from the Cabinet.
11. If gifts are received from the same source which cumulatively, are over the value of £25 in a 12 month period, then these must be declared and the officer should seek authorisation from their manager, their Corporate Director or in compliance with the authorisation in paragraph 10 above.
12. The council prohibits the acceptance of cash gifts of any value.
13. Any personal interests that may impinge or might reasonably be deemed by others to impinge on an Officer's impartiality, or cause conflict with the duties of a Council officer as detailed above (such as conflicting business interests) should be declared in writing to the Officer's line manager. The details should then be passed to the Head of Governance and Business Support to be entered onto the council's Register.
14. In relation to conventional hospitality (lunches, golf days, etc) these should only be accepted provided that it is normal and reasonable in the circumstances to do so. An invitation that appears over-generous should be declined; it could be seen as an inducement to affect a Council decision. Again, you must declare the hospitality and it is advisable to discuss the offer with your line manager if you are in any doubt as to the motive.
15. Any officer who is aware of any business dealings conferring personal gain, or involving relatives or associates of a member of staff must supply these details to the Head of Governance and Business Support for entry into the Register. The council's Whistle Blowing Policy can be used to divulge such information in confidence.
16. The council's Monitoring Officer and Audit Committee will inspect the register of gifts, hospitality and interests annually, and the information will be retained for a period deemed necessary to demonstrate good governance and to address any allegations of misconduct accordingly.
17. The effectiveness of this policy will be reviewed regularly by carrying out various training / refresher exercises.

REMEMBER >>> If in doubt, declare it!!.**Step by Step Guide**

1. **Token gifts** with no real monetary value can be accepted and do not need to be declared. These include calendars, diaries, pens etc. If you are in any doubt as to the classification of token gifts, just ask.
2. **Gifts under £25** in value can be accepted but must be declared to your line manager and reported using the on-line form on the HUB for inclusion on the council's register.
3. **Gifts over £25** in value must not be accepted without prior permission from line management or Corporate Director. If authorisation is given, and the gift accepted, it must then be registered as above.
4. **Declaration of Interests**; if you feel that a personal involvement outside of work may affect judgements made in work, or be construed as doing so, these must be declared and registered as above.
5. **Cash gifts of any value are strictly prohibited!**

Some useful links / contacts

Employee Code of Conduct	https://wyregovuk.sharepoint.com/sites/HumanResourcesDepartment/SitePages/Policies-and-procedures.aspx
Whistleblowing policy	https://wyregovuk.sharepoint.com/sites/Governance/SitePages/Counter-fraud-and-corruption.aspx
Anti- Fraud, Corruption and Bribery	https://wyregovuk.sharepoint.com/sites/Governance/SitePages/Counter-fraud-and-corruption.aspx
Disciplinary Policy	https://wyregovuk.sharepoint.com/sites/HumanResourcesDepartment/SitePages/Policies-and-procedures.aspx
Head of Governance and Business Support	Joanne.billington@wyre.gov.uk or telephone 01253 887372
Monitoring Officer	Mary.grimshaw@wyre.gov.uk or telephone 01253 887214
Deputy Monitoring Officer	Jane.collier@wyre.gov.uk or telephone 01253 887506

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**LOCAL CODE OF
GOOD PRACTICE FOR
COUNCILLORS AND OFFICERS
INVOLVED IN THE
PLANNING PROCESS**

Contents

1. Introduction.
2. Background.
3. General Role and Conduct of Councillors and Officers.
4. Registration and Declaration of Interests: Predetermination, Predisposition or Bias.
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6. Lobbying of and by Councillors.
7. Pre-Application Discussions.
8. Officer Reports to Committee.
9. Public Speaking at Planning Committee Meetings.
10. Decisions Contrary to Officer Recommendations and/or the Development Plan.
11. Committee Site Visits.
12. Annual Review of Decisions.
13. Complaints and Record Keeping.

Appendices

- (1) Protocol for the Involvement of Members in Pre-Application Discussion
- (2) Protocol for Committee Site Visits

1. Introduction

- 1.1 This updated Code of Practice has been prepared based on advice issued in the 2019 version of the Local Government Association's Probity in Planning guide and the 2014 version of the Lawyers in Local Government Model Members' Planning Code or Protocol.
- 1.2 Planning has a positive and proactive role to play at the heart of local government. It helps councils to stimulate growth whilst looking after important environmental areas. It can help to translate goals into action. It balances social, economic and environmental needs to achieve sustainable development.
- 1.3 The planning system works best when officers and councillors involved in planning understand their roles and responsibilities, and the context and constraints in which they operate.
- 1.4 Planning decisions involve balancing many competing interests. In doing this, decision makers' need an ethos of decision-making in the wider public interest on what can be controversial proposals.
- 1.5 It is recommended that councillors should receive regular training on code of conduct issues, interests and predetermination, as well as on planning matters.

2. Background

- 2.1 In 1997, the Third Report of the Committee on Standards in Public Life (known as the Nolan Report) resulted in pressures on councillors to avoid contact with developers in the interests of ensuring probity. In today's place shaping context, early councillor engagement is encouraged to ensure that proposals for sustainable development can be harnessed to produce the settlements that communities need.
- 2.2 This Local Code of Good Practice is intended to reinforce councillors' community engagement roles whilst maintaining good standards of probity that minimises the risk of legal challenges.
- 2.3 Planning decisions are based on balancing competing interests and making an informed judgement against a local and national policy framework.
- 2.4 Decisions can be controversial. The risk of controversy and conflict are heightened by the openness of a system which invites public opinion before taking decisions and the legal nature of the development plan and decision notices. Nevertheless, it is important that the decision-making process is open and transparent.
- 2.5 One of the key aims of the planning system is to balance private interests in the development of land against the wider public interest. In performing this role, planning necessarily affects land and property interests, particularly the financial value of landholdings and the quality of their settings. Opposing views are often strongly held by those involved.

- 2.6 Whilst councillors must take account of these views, they should not favour any person, company, group or locality, nor put themselves in a position where they may appear to be doing so. It is important, therefore, that planning authorities make planning decisions affecting these interests openly, impartially, with sound judgement and for justifiable reasons.
- 2.7 The process should leave no grounds for suggesting that those participating in the decision were biased or that the decision itself was unlawful, irrational or procedurally improper.

3. The General Role and Conduct of Councillors and Officers

- 3.1 Councillors and officers have different but complementary roles. Both serve the public but councillors are responsible to the electorate, whilst officers are responsible to the council as a whole. Officers advise councillors and the council and carry out the council's work. They are employed by the council, not by individual councillors. A successful relationship between councillors and officers will be based upon mutual trust, understanding and respect of each other's positions.
- 3.2 Both councillors and officers are guided by codes of conduct. The Code of Conduct for Members is consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership and promotes and supports high standards of conduct when serving in public posts.
- 3.3 Officers who are chartered town planners are subject to the Royal Town Planning Institute (RTPI) Code of Professional Conduct, breaches of which may be subject to disciplinary action by the Institute. Similarly, staff who are solicitors are subject to Solicitor's practice rules and various Codes made under these Rules.
- 3.4 In addition to these codes, the council's standing orders set down rules which govern the conduct of council business.
- 3.5 Councillors and officers should be cautious about accepting gifts and hospitality and should exercise their discretion. Guidance on these issues for both councillors and officers are included in the Guidance for Councillors and Officers on Gifts and Hospitality. As a general rule, business gifts and hospitality should not be accepted by any councillor. However, if a gift is received or hospitality accepted, unless it is of a purely "token" value, it should be declared to the Monitoring Officer as soon as possible and, in any case, within 28 days of receipt. Such details will be recorded in the Register of Gifts and Hospitality which is open to inspection by the public. Prior to accepting any gift or hospitality with a value of £50 or more a Councillor must seek authorisation from the Monitoring Officer.
- 3.6 Similarly, officers, during the course of carrying out their duties, may be offered hospitality from people with an interest in a planning proposal. The Council have adopted a policy for Officers on gifts and hospitality, which is contained in the Guidance for Councillors and Officers on Gifts and Hospitality. Wherever possible, offers should be declined politely. If the receipt of hospitality is unavoidable, officers should ensure that it is of the minimal level and unless it is of "token value" declare its receipt as soon as possible to the officer's Line Manager and the Audit and Risk Manager. Prior permission of the officer's Line Manager or Director is required before accepting gifts or hospitality of £25.00 or over. The Council provides a register to

record such offers whether or not accepted which is held by the Head of Governance This register is reviewed regularly by the Council's Monitoring Officer. Failure by an officer to make an entry is likely to lead to disciplinary measures.

- 3.7 Employees must always act impartially and in a politically neutral manner. The Local Government and Housing Act 1989 enables restrictions to be set on the outside activities of senior officers, such as membership of political parties and serving on another council. Councils should carefully consider which of their officers are subject to such restrictions and review this regularly.
- 3.8 Officers and serving councillors must not act as agents for people pursuing planning matters within their authority even if they are not involved in the decision making on it.
- 3.9 Whilst the determination of a planning application is not a 'quasi-judicial' process, it is a formal administrative process involving the application of national and local policies, reference to legislation and case law as well as rules of procedure, rights of appeal and an expectation that people will act reasonably and fairly. All involved should remember the possibility that an aggrieved party may seek a Judicial Review and/or complain to the Ombudsman on grounds of maladministration or a breach of the authority's code.
- 3.10 Finally, as planning can sometimes appear to be complex and as there are currently many changes in planning taking place, the Local Government Association endorses the good practice of many councils which ensures that their councillors receive training on planning when first appointed to the planning committee or local plan steering group, and regularly thereafter. The Council provides training on the planning process.

DO	first apply the rules in the Member's Code of Conduct. This includes the rules on, Disclosable Pecuniary Interests (DPIs), any other interests, and the general rules giving effect to the seven principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
DO	then apply the rules in this Local Code of Good Practice. Failure to do so may put: - the Council at risk of proceedings on the legality of the related decision or maladministration; and - yourself at risk of being named in a report made to the Council; and, - if the failure is also likely to be a breach of the interest provisions in the Localism Act 2011, a complaint being made to the police to consider criminal proceedings.
DON'T	accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable ensure that: - it is of a minimum, - prior authorisation has been obtained from the Monitoring Officer where necessary;

	- its acceptance is declared to the Monitoring Officer as soon as possible and always within 28 days of receipt; and it is recorded in the Register of Gifts and Hospitality where necessary.
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4. Registration and Declaration of Interests Predetermination, Predisposition or Bias and 'Calling-in' a Planning Application

- 4.1 Chapter 7 of the Localism Act 2011 places requirements on councillors regarding the registration and disclosure of their pecuniary interests and sets out the consequences for a councillor taking part in consideration of an issue in the light of those interests. The definitions of disclosable pecuniary interests are set out in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. A failure to register a disclosable pecuniary interest within 28 days of election or co-option or the provision of false or misleading information on registration, or participation in discussion or voting in a meeting on a matter in which a councillor or co-opted member has a disclosable pecuniary interest, are criminal offences.
- 4.2 For full guidance on interests, see Openness and transparency on personal interests: guidance for councillors, Department for Communities and Local Government, March 2013. (This Code of Practice does not seek to replicate the detailed information contained within the DCLG guidance note). Advice should always be sought from the Council's Monitoring Officer or Deputy Monitoring Officer. Ultimately, responsibility for fulfilling the requirements rests with each councillor.
- 4.3 The provisions of the Localism Act 2011 seek to separate interests arising from the personal and private interests of the councillor from those arising from the councillor's wider public life. Councillors should think about how a reasonable member of the public, with full knowledge of all the relevant facts, would view the matter when considering whether the councillor's involvement would be appropriate.
- 4.4 The Code of Conduct for Members establishes what interests need to be disclosed. All disclosable interests should be registered and a register is maintained by the Council's Monitoring Officer and made available to the public. Councillors should also disclose that interest orally at the committee meeting when it relates to an item under discussion.
- 4.5 A councillor must provide the Monitoring Officer with written details of any disclosable interest which the Council has decided should be included in the register within 28 days of their election or appointment to office. Any new interests or changes to those interests must similarly be notified within 28 days of the councillor becoming aware of such changes.
- 4.6 A disclosable pecuniary interest relating to an item under discussion requires the withdrawal of the councillor from the committee during any discussion or voting. In certain circumstances, a dispensation can be sought from the appropriate body or officer to take part in that particular item of business.
- 4.7 If a councillor has another interest (as described in the Council's Code of Conduct for Members) he or she should disclose that interest but then, depending on the circumstances may speak and vote on that particular item. This includes being a member of an outside body or any other significant interest (for example where a councillor anticipates that a decision might reasonably be deemed to benefit or disadvantage him or herself a member of the councillor's family or a person with

whom the councillor has a close association to a greater extent than another Council constituent). In such circumstances, the councillor must consider whether his/her participation in the matter relating to his/her interest would be reasonable in the circumstances particularly if the interest may give rise to a perception of a conflict of interest and/or is likely to prejudice his/her judgement. If this is the case, the councillor may make representations if there is an entitlement for a member of the public to speak but must not participate or vote on the matter being discussed and must leave the room whilst any discussion or voting takes place.

- 4.8 It is always best to identify a potential interest early on. If a councillor thinks that they may have an interest in a particular matter to be discussed at a planning committee he or she should raise this with their Monitoring Officer or Deputy Monitoring Officer as soon as possible.
- 4.9 Members of a planning committee, Planning Policy Working Group (or full Council when the local plan is being considered) need to avoid any appearance of bias or of having predetermined their views before taking a decision on a planning application or on planning policies.
- 4.10 The courts have sought to distinguish between situations which involve predetermination or bias on the one hand and predisposition on the other. The former is indicative of a 'closed mind' approach and likely to leave the committee's decision susceptible to challenge by Judicial Review.
- 4.11 Clearly expressing an intention to vote in a particular way before a meeting (predetermination) is different from where a councillor makes it clear they are willing to listen to all the considerations presented at the committee before deciding on how to vote (predisposition). The latter is alright, the former is not and may result in a court quashing such planning decisions.
- 4.12 Section 25 of the Localism Act 2011 also provides that a councillor should not be regarded as having a closed mind simply because they previously did or said something that, directly or indirectly, indicated what view they might take in relation to any particular matter.
- 4.13 This reflects the common law position that a councillor may be predisposed on a matter before it comes to Committee, provided they remain open to listening to all the arguments and changing their mind in light of all the information presented at the meeting. Nevertheless, a councillor in this position will always be judged against an objective test of whether the reasonable onlooker, with knowledge of the relevant facts, would consider that the councillor was biased.
- 4.14 For example, a councillor who states "Windfarms are blots on the landscape and I will oppose each and every windfarm application that comes before the committee" will be perceived very differently from a councillor who states: "Many people find windfarms ugly and noisy and I will need a lot of persuading that any more windfarms should be allowed in our area."
- 4.15 If a councillor has predetermined their position, they should withdraw from being a member of the decision-making body for that matter.

- 4.16 This will apply to any member of the planning committee who wanted to speak for or against a proposal, as a campaigner (for example on a proposal within their ward).
- 4.17 A councillor is not required to cast aside views on planning policy that he or she held when seeking election or otherwise acting as a member, in giving fair consideration to points raised.
- 4.18 A ward councillor representing the ward within which a planning application site lies or a ward councillor representing an adjoining ward can request that a planning application be considered by the Planning Committee rather than by the Head of Planning & Regeneration in accordance with Part 7.02 of the Constitution - Scheme of Delegation. In doing so the councillor must not have a disclosable pecuniary interest relating directly to the planning application.

DO	disclose the existence and nature of any interests as required by the Members' Code of Conduct
DO	take into account that the Principle of Integrity is defined in terms that " <i>Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships</i> ".
DON'T	seek or accept any preferential treatment or place yourself in a position that could lead the public to think that you are receiving preferential treatment because of your position as a councillor. This would include where you have a disclosable or other interest in a proposal using your position to discuss that proposal with officers or councillors when other members of the public would not have the same opportunity to do so.
DO	note that you are not prevented from seeking to explain and justify a proposal in which you may have a conflict of interest to an appropriate officer, in person or in writing, but that your role as a councillor may place additional limitations on you in representing the proposal in which you have a personal interest.
DO	notify the Monitoring Officer where you have a disclosable pecuniary interest in an application and note that where possible you should notify the Monitoring Officer no later than submission of that application and you must not get involved in the processing of the application.
DON'T	fetter your discretion by approaching a decision with a closed mind.
DO	keep at the front of your mind that, when you come to make a decision, you: <ul style="list-style-type: none"> - are entitled to have and to have expressed your own views on the matter, provided you are prepared to reconsider your position in the light of all the evidence and arguments; - keep an open mind and hear all of the evidence before you, both the officers' presentation of the facts and their advice as well as the arguments from all sides; - are only entitled to take account of material considerations; and you must disregard considerations irrelevant to the question and legal context at hand; and - only come to a decision after giving what you feel is the right weight to those material considerations.

DO	<p>consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where you are also a member of the parish council, for example, or both a district/borough and county councillor), provided:</p> <ul style="list-style-type: none"> - the proposal does not substantially effect the well-being or financial standing of the consultee body; - you make it clear to the consultee body that: <ul style="list-style-type: none"> · your views are expressed on the limited information before you only; · you must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the Committee and you hear all of the relevant information; and - you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee.
DO	<p>take the opportunity to exercise your speaking rights as a member of the public where you have represented your views or those of local electors and predetermined the matter or have an Other Significant Interest, but do not have a Disclosable Pecuniary Interest .</p>

5. Development Proposals Submitted by Councillors and Officers; and Council Development

- 5.1 Proposals submitted by serving and former councillors, officers and their close associates and relatives can easily give rise to suspicions of impropriety. Proposals could be planning applications or local plan proposals.
- 5.2 Such proposals must be handled in a way that gives no grounds for accusations of favouritism.
- 5.3 A councillor would undoubtedly have a disclosable pecuniary interest in their own application and should not participate in its consideration. They do have the same rights as any applicant in seeking to explain their proposal to an officer, but the councillor, as applicant, should also not seek to improperly influence the decision.
- 5.4 Proposals for a council's own development should be treated with the same transparency and impartiality as those of private developers.
- 5.5 Proposals submitted by serving and former councillors, officers and their close associates and relatives are more likely to be presented to the Planning Committee for a decision than would otherwise be the case.

DO	<p>be aware that you can be biased where the Council is the landowner, developer or applicant if you have acted as, or could be perceived as being, a chief advocate for the proposal. (This is more than a matter of membership of the planning committee, but that through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.)</p>
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6. Lobbying of and by Councillors

- 6.1 Lobbying is a normal part of the planning process. Those who may be affected by a planning decision, whether through an application, a site allocation in a development plan or an emerging policy, will often seek to influence it through an approach to their ward member or to a member of the planning committee.
- 6.2 As the Nolan Committee's 1997 report stated: "It is essential for the proper operation of the planning system that local concerns are adequately ventilated. The most effective and suitable way that this can be done is through the local elected representatives, the councillors themselves".
- 6.3 Lobbying, however, can lead to the impartiality and integrity of a councillor being called into question and require that councillor to declare an interest unless care and common sense is exercised by all the parties involved.
- 6.4 As noted earlier in this Code, the common law permits predisposition but nevertheless it remains good practice that, when being lobbied, councillors (members of the planning committee in particular) should try to take care about expressing an opinion that may be taken as indicating that they have already made up their mind on the issue before they have been exposed to all the evidence and arguments. In such situations, they should restrict themselves to giving advice about the process and what can and can't be taken into account.
- 6.5 Councillors can raise issues which have been raised by their constituents, with officers. If councillors do express an opinion to objectors or supporters, it is good practice that they make it clear that they will only be in a position to take a final decision after having heard all the relevant arguments and taken into account all relevant material and planning considerations at committee.
- 6.6 If any councillor, whether or not a committee member, speaks on behalf of a lobby group at the decision-making committee, they would be well advised to withdraw once any public or ward member speaking opportunities had been completed in order to counter any suggestion that members of the committee may have been influenced by their continuing presence.
- 6.7 It is very difficult to find a form of words which conveys every nuance of these situations and which gets the balance right between the duty to be an active local representative and the requirement when taking decisions on planning matters to take account of all arguments in an open-minded way. It cannot be stressed too strongly, however, that the striking of this balance is, ultimately, the responsibility of the individual councillor.
- 6.8 This Local Code of Good Practice addresses the following more specific issues about lobbying:
- Planning decisions cannot be made on a party political basis in response to lobbying; the use of political whips to seek to influence the outcome of a planning application is likely to be regarded as maladministration.
 - Planning committee or local plan steering group members should in general avoid organising support for or against a planning application, and avoid lobbying other councillors.

- Councillors should not put pressure on officers for a particular recommendation or decision, and should not do anything which compromises, or is likely to compromise the officers' impartiality or professional integrity.

6.9 The responsibilities and duties under the Code of Conduct apply equally to matters of lobbying as they do to the other issues of probity explored elsewhere in this code.

DO	explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it may subsequently prejudice your impartiality, and therefore your ability to participate in the Committee's decision making, to make any sort of promise to vote one way or another or have such a firm point of view that it amounts to the same thing.
DO	remember that your overriding duty is to the whole community not just to the people in your ward and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.
DO	pass on any lobbying correspondence you receive to the Head of Planning Services at the earliest opportunity.
DO	promptly refer to the Head of Planning Services any offers made to you of planning gain or constraint of development, through a proposed s.106 Planning Obligation or otherwise.
DO	inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to follow the matter up.
DON'T	become a member of, lead or represent an organisation whose primary purpose is to lobby, promote or oppose planning proposals unless it is your intention to openly campaign on the matter and will therefore step away from the Committee when it comes to make its decision.
DO	join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals (such as the Victorian Society, CPRE, Ramblers Association or a local civic society), but you should seek to disclose that interest on the grounds of transparency where the organisation has made representations on a particular proposal.
DON'T	excessively lobby fellow councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.
DON'T	decide or discuss how to vote on any application at any political group meeting, or lobby any other councillor to do so. Political Group Meetings should never dictate how councillors should vote on a planning issue.

7. Pre-Application Discussion

7.1 Pre-application discussions between a potential applicant and a council can benefit both parties and are encouraged. However, it would be easy for such discussions to become, or be seen by objectors to become, part of a lobbying process on the part of the applicant.

- 7.2 Some councils have been concerned about probity issues raised by involving councillors in pre-application discussions, worried that councillors would be accused of predetermination when the subsequent application came in for consideration. Now, through the Localism Act and previously the Audit Commission, the Local Government Association and Planning Advisory Service recognise that councillors can have an important role to play in pre-application discussions, bringing their local knowledge and expertise, along with an understanding of community views. Involving councillors can help identify issues early on, helps councillors lead on community issues and helps to make sure that issues don't come to light for the first time at committee. The Planning Advisory Service recommends a 'no shocks' approach.
- 7.3 The Localism Act 2011, particularly section 25, by endorsing this approach, has given councillors' much more freedom to engage in pre-application discussions. Nevertheless, in order to avoid perceptions that councillors' might have fettered their discretion, such discussions should take place within clear, published guidelines which are attached as an appendix to this document.

DO	refer those who approach you for planning, procedural or technical advice to officers.
DON'T	agree to any formal meeting with applicants, developers or groups of objectors where you can avoid it. Where you feel that a formal meeting would be useful in clarifying the issues, you should ask the Head of Planning Services to organise it. The officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the pre- application file.
DO	<ul style="list-style-type: none"> - follow the Council's rules on lobbying; - consider whether or not it would be prudent in the circumstances to make notes when contacted; and - report to the Head of Planning Services any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.
	In addition in respect of presentations by applicants/developers:
DON'T	attend a planning presentation without requesting an officer to be present.
DO	ask relevant questions for the purposes of clarifying your understanding of the proposals.
DO	remember that the presentation is not part of the formal process of debate and determination of any subsequent application, this will be carried out by the planning committee.
DO	be aware that a presentation is a form of lobbying and, whilst you may express any view on the merits or otherwise of the proposal presented, you should never state how you or other Members would intend to vote at a committee meeting.

8. Officer Reports to Committee

- 8.1 As a result of decisions made by the courts and ombudsman, officer reports on planning applications must have regard to the following:

- Reports should be accurate and should include the substance of any objections and other responses received to the consultations.
- Relevant information should include a clear assessment against the relevant development plan policies, relevant parts of the National Planning Policy Framework (NPPF), any local finance considerations, and any other material planning considerations.
- Reports should have a written recommendation for a decision to be made.
- Reports should contain technical appraisals which clearly justify the recommendation.
- If the report's recommendation is contrary to the provisions of the development plan, the material considerations which justify the departure must be clearly stated. This is not only good practice, but also failure to do so may constitute maladministration or give rise to a Judicial Review challenge on the grounds that the decision was not taken in accordance with the provisions of the development plan and the council's statutory duty under s38A of the Planning and Compensation Act 2004 and s70 of the Town and Country Planning Act 1990.

8.2 Any oral updates or changes to the report should be recorded.

9. Public Speaking at Planning Committee Meetings

9.1 The Council agreed on 20 September 2007 to introduce a process to enable members of the public to speak at Planning Committee meetings. The arrangements were implemented from December 2007, and have since been reviewed in June 2008, in 2015, in February 2017, and in April 2021.

9.2 The revised arrangements reflect national best practice and are intended to provide more open, transparent and informed decision making whilst making effective use of Member and Officer time.

9.3 Who can speak at the Planning Committee meeting?

Members of the public who are supporting or objecting to a proposal which is the subject of a planning application can make a request to address the Committee. Ward, Parish, Town, and County Councillors representing the ward or parish within which the application site lies may also address the Committee under the provisions of this guidance. In addition, the Ward councillor representing an adjoining ward, who has called the application in, can address the Committee under the provisions of the guidance. A Ward, adjoining Ward, Parish, Town, or County Councillor may speak only once and cannot speak as a representative of more than one body. The applicant and/or agent (which can include any person employed or engaged by the applicant to support the application) may also address the Committee to put their case, or to reply to matters raised by other speakers. Speakers may only speak in relation to applications for planning permission and not in relation to any other report presented to the Planning Committee for consideration, including any proposals relating to Tree Preservation Orders.

9.4 How much time is allowed?

Each speaker will have a maximum of 3 minutes. The time will be controlled by the Chairman and by a 'traffic light' system operated by the Committee Clerk.

Objectors will have a maximum of 12 minutes in total, supporters will have 12 minutes in total, Ward, adjoining Ward, Parish or Town and County Councillors will have 3 minutes each.

The applicant may speak for 3 minutes but if the applicant does not wish to speak, the applicant may instead nominate another person to speak in substitution on their behalf for 3 minutes.

In addition, the applicant's planning or other agent may also speak for 3 minutes.

An individual may only speak for a maximum of 3 minutes.

9.5 How many people are allowed to speak?

In circumstances where there are a number of members of the public who wish to speak, either as objectors or supporters of an application, it is recommended that up to a maximum of 4 spokespersons should be nominated to speak. In any event, no individual may speak for more than 3 minutes unless under exceptional circumstances at the discretion of the Chairman.¹

Only one Parish or Town Councillor, one adjoining Ward Councillor (if they called in the application) and the County Councillor, may speak.

Where a ward in Wyre is represented by more than one councillor, each of those councillors will be able to speak on an application if they wish, i.e. up to three Wyre Councillors representing the ward in which the application site is located. Where there is no Wyre Ward Councillor available or wishing to speak under the provisions of this scheme, a member of the Planning Committee who is also a member for the ward within which the application site lies may, if they wish, speak as a Ward Councillor but would then be limited to 3 minutes and thereafter would not be able to take part in the debate as a member of the Planning Committee and would not be able to vote on that item.

Members of the Committee may ask the speaker questions of clarification on factual matters after they have finished speaking.

9.6 Registering to speak

Those wishing to speak must register a request to speak with the Council's Committee Clerk no later than 24 hours before the start of the meeting. Any requests to speak received after the deadline will not be accepted except under exceptional circumstances at the Chairman's discretion.²

Not more than one person per household may register to speak and any person registering to speak must confirm that they will be available on the day of the

¹ The Chairman in liaison with officers will be responsible for continuing to ensure that there is equality of access to the public speaking process and time limits for speaking can be extended, late registration to speak accepted and/or a spokesperson nominated in appropriate circumstances. See paragraph 'Additional Help' for further detail.

² The Chairman in liaison with officers will be responsible for continuing to ensure that there is equality of access to the public speaking process and time limits for speaking can be extended, late registration to speak accepted and/or a spokesperson nominated in appropriate circumstances. See paragraph Additional Help for further detail.

meeting. Unless there are exceptional circumstances (and at the Chairman's discretion) speakers may not use proxies to speak or read out statements on their behalf.

The requirement to pre-register also applies to applicants and/or agents

Ward, adjoining Ward, Parish, Town, or County Councillors do not need to register their intention to speak in advance.

- 9.7 The procedure allows the public to speak to the Committee, but when addressing the committee under this procedure no material or information may be displayed or circulated to the Committee Members. This is because 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. It may also result in delays to the proceedings.

Messages should never be passed to individual committee members, either from other councillors or from the public. This could be seen as seeking to influence that member improperly and will create a perception of bias that will be difficult to overcome.

9.8 Additional Help

The Council is committed to ensuring equality of access to the public speaking process.

Individuals who have a disability or do not speak English as their first language or have some other appropriate need (for example require an interpreter/spokesperson) should contact democraticservices@wyre.gov.uk and reasonable adjustments will be made to assist which may include extending the timescales for speaking, accepting late registration to speak and/ or accepting the nomination of a spokesperson.

9.9 The procedure

1. The application will be introduced by the Chairman.
2. If there is an update from the Head of Planning & Regeneration requesting the deferment of the application, the Chairman will ask the Committee to consider this request without any public speaking. If the motion to defer the application is carried, the Chairman will move on to the next item, otherwise he will move to the next stage as set out below.
3. The Chairman will introduce the item stating whether or not the members of the Committee have visited the site.
4. ,The Head of Planning & Regeneration, the Development Manager or other planning officer will then present any updates, play any video showing the site, display relevant plans, photographs or other information.
5. The order in which the Chairman will call the public to speak will be:
 - Those objecting to the application
 - Those supporting the application

- A local Parish or Town Council Member
- Wyre Ward Councillors
- The Adjoining Ward Councillor (if they called in the application)
- A County Councillor
- The applicant and/or agent for the application

6. After each person has spoken the Members of the Committee may ask the speaker questions of clarification on factual matters only.

7. The Committee will then debate the application without further public involvement under the direction of the Chairman. The Chairman may also invite the Head of Planning & Regeneration to comment on matters raised or respond to questions as appropriate during or at the end of the debate.

8. The Committee will then reach a decision by voting on any properly tabled recommendation/ motion.

9. After each decision the Chairman will inform the meeting of the decision.

If, during the debate of an item by the Committee (point 7 above), there is a motion to defer the application which is carried, when the application is brought back to the Committee, there shall be no further opportunities for the public or non-committee members to speak, unless the deferral has resulted in a material change to the application, additional information, or revised plans upon which there has been further publicity and/or consultation.

A guide explaining the procedures is available on the Council's website.

DON'T	allow members of the public to communicate with you during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking or through the Chair, as this may give the appearance of bias
DO	ensure that you comply with the Council's procedures in respect of public speaking.

10. Decisions Contrary to Officer Recommendations and/or the Development Plan

- 10.1 The law requires that decisions should be taken in accordance with the development plan, unless material considerations (which specifically include the NPPF) indicate otherwise (s38A Planning & Compensation Act 2004 and s70 of the Town and Country Planning Act 1990).
- 10.2 This applies to all planning decisions. Any reasons for refusal must be justified against the development plan and other material considerations.
- 10.3 The courts have expressed the view that the committee's reasons should be clear and convincing. The personal circumstances of an applicant or any other material or non-material planning considerations which might cause local controversy will rarely satisfy the relevant tests.

- 10.4 Planning committees can, and often do, make a decision which is different from the officer recommendation. Sometimes this will relate to conditions or terms of a S106 obligation. Sometimes it will change the outcome, from an approval to a refusal or vice versa. This will usually reflect a difference in the assessment of how a policy has been complied with, or different weight ascribed to material considerations.
- 10.5 Planning committees should take the following steps before making a decision which differs from the officer recommendation:
- if a councillor is concerned about an officer recommendation they should discuss their areas of difference and the reasons for that with officers in advance of the committee meeting
 - record the detailed reasons as part of the mover's motion.
- 10.6 Councillors must not take part in the meeting's discussion on a proposal unless they have been present to hear the entire debate, including the officers' introduction to the matter. If an application has previously been deferred then the same councillors will be asked to reconsider the application when it is returned to committee. If this renders the committee inquorate then the item will have to be considered afresh and public speaking rights triggered again.
- 10.7 If the planning committee makes a decision contrary to the officer's recommendation (whether for approval or refusal or changes to conditions or S106 obligations), a detailed minute of the committee's reasons should be made and a copy placed on the application file. Councillors should be prepared to explain in full, and by reference to planning policy and/or other material planning considerations their planning reasons for not agreeing with the officer's recommendation. Pressure should never be put on officers to 'go away and sort out the planning reasons'.
- 10.8 The officer should also be given an opportunity to explain the implications of the contrary decision, including an assessment of a likely appeal outcome, and chances of a successful award of costs against the council, should one be made.
- 10.9 The application may then have to be referred to the relevant secretary of state, depending upon the type and scale of the development proposed (s77 of the Town and Country Planning Act 1990). If the officer's report recommends approval of such a departure, the justification for this should be included, in full, in that report.

11. Committee Site Visits

- 11.1 National standards and local codes also apply to site visits. Councils should have a clear and consistent approach on when and why to hold a site visit and how to conduct it. This should avoid accusations that visits are arbitrary, unfair or a covert lobbying device.
- 11.2 This Code applies whenever the councillor is conducting official business, which will include site visits. The council has set out the criteria for deciding when a site visit is justified and considered the procedures for such visits, the details of which can be found at Appendix 2 to this Code.
- 11.3 Site visits are for observing the site and gaining a better understanding of the issues. Visits made by committee members, with an officer present to assist, are normally the most fair and equitable approach. They should not be used as a lobbying

opportunity by objectors or supporters. This should be made clear to any members of the public who are there.

- 11.4 Once a councillor becomes aware of a proposal they may wish to visit the site alone. In such a situation, a councillor is only entitled to view the site from public vantage points (e.g. the public highway) and they have no individual rights to enter private property. Whilst a councillor might be invited to enter the site by the owner, it is not good practice to do so on their own, as this can lead to the perception that the councillor is no longer impartial.

DO	try to attend site visits organised by the council where possible.
DO	ensure that you treat the site visit only as an opportunity to seek information and to observe the site.
DO	ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
DON'T	hear representations from any other party. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the authority and direct them to or inform the officer present.
DON'T	express opinions or views.
DON'T	enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless: <ul style="list-style-type: none"> - you feel it is essential for you to visit the site other than through attending the official site visit, - you have first spoken to the Head of Planning Services about your intention to do so and why (which will be recorded on the file) and - you can ensure you will comply with these good practice rules on site visits.

12. Annual Review of Decisions

- 12.1 It is good practice for councillors to visit a sample of implemented planning permissions to assess the quality of the decisions and the development. This should improve the quality and consistency of decision-making, strengthen public confidence in the planning system, and can help with reviews of planning policy.
- 12.2 Reviews should include visits to a range of developments such as major and minor schemes; upheld appeals; listed building works and enforcement cases. Briefing notes should be prepared on each case. The planning committee should formally consider the review and decide whether it gives rise to the need to reconsider any policies or practices.
- 12.3 Scrutiny or standards committees may be able to assist in this process but the essential purpose of these reviews is to assist planning committee members to refine their understanding of the impact of their decisions. Planning committee members should be fully engaged in such reviews.

13. Complaints and Record Keeping

- 13.1 The Council has a complaints procedure.

- 13.2 So that complaints may be fully investigated and as general good practice, record keeping should be complete and accurate. Every planning application file should, up to the point of decision (including any decision on appeal or legal challenge) contain an accurate account of events throughout its life. It should be possible for someone not involved in that application to understand what the decision was, and why and how it had been reached. This applies to decisions taken by committee and under delegated powers, and to applications, enforcement and development plan matters.

**APPENDICES TO THE LOCAL CODE OF GOOD PRACTICE FOR
COUNCILLORS AND OFFICERS INVOLVED IN THE PLANNING
PROCESS**

**(1) PROTOCOL FOR THE INVOLVEMENT OF MEMBERS IN PRE-
APPLICATION DISCUSSIONS**

(2) PROTOCOL FOR COMMITTEE SITE VISITS

Appendix 1**Protocol for the Involvement of Members in Pre-application Discussions (to be attached as an appendix to the Local Code of Good Practice for Councillors and Officers Involved in the Planning Process')****1. Existing Guidance**

1.1 Existing guidance for members involved in the planning process may be found in Part 5.07 of the Council's Constitution to which this protocol is an appendix. Additionally, members may refer to other national publications including:

- Positive Engagement – a guide for planning councillors (CLG, PAS, POS, LGA)
- Probity in Planning for councillors and officers (Local Government Association, Planning Advisory Service)
- Model Council Members' Planning Code or Protocol (Lawyers in Local Government)

2. Ways to be involved**2.1 Informal Member Briefing**

Following the formal closure of the Planning Committee each month, the Head of Planning & Regeneration or Development Manager will report to members on the details of any pre-application discussions held in respect of a 'Major' or 'Large Major' development proposal since the previous Committee meeting.

- Once the Committee meeting has been formally closed and after all members of the public and other non committee members have left, the Head of Planning & Regeneration, or Development Manager, will inform Members of the Planning Committee of any pre-application discussions commenced or ongoing since the previous committee meeting.
- The presentation will include a display of any plans submitted by the prospective applicant, a summary of the key issues identified, and the key policy considerations.
- In order not to influence members or give rise to any possibility of predetermination or bias, officers will not report to members on any views that they have previously expressed or forwarded to the prospective applicant.
- Members may ask questions or comment on the proposals identifying:
 - Consultation gaps or the need for wider consultation (within limits)
 - Issues that have not been identified but are of local significance
 - Issues that have not been identified and are of wider significance
 - Issues that will be of concern to the community that the applicant can be asked to resolve
 - What opportunities exist to incorporate a development into the local context
- In order to provide transparency to this process, members' questions and comments will be noted in writing and used to provide feedback to a developer.

- All members of the Planning Committee are aware of the law relating to predetermination and will disqualify themselves from considering future applications if they have actually predetermined the matter. Any statements which members make therefore at this stage which might be interpreted as indicating that a member has a view on the merits of the application should be taken as indicating a preliminary view which is capable of being changed and that the member will consider the application on its merits if presented to the Planning Committee. The test here is whether a fair-minded and informed observer, having considered the facts, would decide that there was a real possibility that the councillor had predetermined the issue or was biased.

2.2 Developer Presentation

Following a written request to the Head of Planning & Regeneration, and subject to the agreement of the Head of Planning & Regeneration, in consultation with the Chairman of Planning Committee and the Planning and Economic Development Portfolio Holder, a developer may make a formal presentation to members and officers in order to seek their views in a prearranged and time limited meeting.

- For certain applications which have strategic implications or are likely to raise significant public interest, officers may suggest to a developer that they request the opportunity to make a presentation.
- Any member who considers that a presentation by a developer is appropriate/desirable, should make their request via the Head of Planning & Regeneration and should not approach the developer direct.
- The types of scheme that may be presented include major development proposals, development proposals that otherwise raise complex policy issues, or schemes that are wholly innovative in terms of design or concept.
- There will usually only be one opportunity to make a presentation to members per proposal.
- In order to ensure that the developer also carries out a pre-application consultation with the public (including the Parish/Town Council where appropriate), a request for a meeting will only be accepted provided that the developer has, prior to making such request, held a separate public consultation event in accordance with the council's Statement of Community Involvement.
- The meeting will be held at the Civic Centre
- Invitations to the meeting will be extended to the members of the Planning Committee, the Planning and Economic Development Portfolio Holder, the Leader of the Council and any ward member for the ward within which the proposed development is situated.
- The meeting will be chaired by the Chairman of Planning Committee who will explain the role of Members at the meeting. It should be explained that the main purpose is to learn about the emerging proposal, and to identify outstanding issues to be dealt with. Planning Committee members will not be in a position to indicate any view as they need to balance all material considerations before

reaching a view on any application in due course. This can act as a reminder to Councillors as well as a general explanation to all present. Where non Planning Committee members are present, they can express initial views on behalf of communities, whilst planning committee members should restrict themselves to questions or clarification.

- At least two officers must attend, one of which should be the Head of Planning & Regeneration or the Development Manager.
- The meeting will not be open to the public.
- The senior officer present will introduce the purpose of the meeting and advise how it will be conducted. Members will be advised as to the confidentiality status of the proposal (unless the developer advises otherwise).
- Developers will be given the opportunity to make a presentation that should describe their proposal and should explain how the proposal relates to both relevant national and local policy, and any other material considerations that they believe members should give weight to. The format and length of the presentation should be agreed with the Head of Planning & Regeneration beforehand (to ensure that it will not lead members into negotiations and to check for accuracy) and should be limited to the development proposal. They should not normally last longer than 20 minutes.
- Members will be able to ask questions following the presentation but must refrain from entering into debate directly with the applicant or giving advice that indicates a pre-judging of the proposals.
- Members must maintain an impartial listening role and Planning Committee members must avoid expressing an opinion to the applicants. Questions and comments should focus upon clarifying aspects of the proposal or to flag up issues of concern but must not develop into negotiations. It is equally important at this stage for members not to have closed minds as to the merits of the proposal.
- The Chairman will then conclude the meeting. After the applicants have left the meeting members can then discuss the proposals with officers and may advise officers of any concerns they may have and any elements with which they feel would benefit from negotiation with the developer. They will then be guided by professional officers as to what negotiations would be reasonable and would align with policy. Negotiations will be undertaken by professional officers only.
- A planning officer will record the meeting and take a note of all persons present, the issues discussed and the follow up actions. This will be placed on the file by the officer involved, to protect the members and the authority by showing what issues were discussed and that no pre-determination arose.
- The involvement of members will be recorded in any subsequent Committee Report.

2.3 Developer Forums

Within the Council's Statement of Community Involvement developers are encouraged to present their proposals to the public prior to the submission of an application, and incorporate a mechanism for getting the views of the public on such proposals.

Such events may simply involve written consultation with local residents around the site, or may (more likely) to be in the form of an exhibition held in a local venue where the proposed plans are on display and the public are invited to ask questions of the prospective applicant or their agents, and are asked for their views. Such views may be expressed verbally (and may be recorded by the event organisers) or they may be made in writing (often on pre-printed response forms).

Members are encouraged to attend such events but should act in accordance with the following guidance:

- Do not go 'incognito' – if approached (as you may well be) be open about your position as a councillor.
- Do not express an opinion until you have looked at the information (plans/models etc.) that is on show, as to do otherwise may indicate bias.
- Non planning Committee members may freely express an opinion on the proposals but are advised to make it clear whether this is a personal opinion or one made on behalf of local residents.
- Planning Committee members must maintain an impartial role and must avoid expressing an opinion to the prospective applicants. Questions and comments should focus upon clarifying aspects of the proposal or to flag up issues of concern. Comments should not be made in writing.

2.4 Private meetings/briefings involving officers and developers/landowners.

There may be some occasions where developers or landowners wish to discuss strategic developments or developments on strategic sites, which have implications for the council's corporate priorities and aims regarding regeneration and its economy. At the early stage of any discussions it may be appropriate to involve the Leader of the Council and/or the Planning and Economic Development Portfolio Holder in such discussions. Occasionally, other relevant Portfolio Holders may also be required. It would not be appropriate to involve any other Wyre Member.

- An invitation to the Leader of the Council and /or relevant Portfolio Holder to attend such a meeting shall come only from the Head of Planning & Regeneration or more senior officer.
- The Head of Planning & Regeneration shall attend all such meetings.
- The Leader and/or Portfolio Holder shall not, at any time, discuss the proposals with the developer/landowner without the Head of Planning & Regeneration or more senior officer being present.

2.5 **Ward Members and rural affordable housing schemes.**

The provision of affordable housing is a key priority and the delivery of schemes in rural areas requires a partnership approach involving officers, Registered Providers, landowners, Parish Councils and local Ward members. This requires that local Ward members should be involved in the delivery of rural affordable housing schemes from the site identification stage, through to the completion of the development. Much of this is at pre application stage. As community leaders they need to be actively seeking out landowners to bring forward suitable sites that would otherwise be unacceptable for development if they were not for affordable housing. Local Ward Members need to be sponsors of suitable affordable housing sites in their Wards and be a key link with local people, developers and Parish Councils.

- Local Ward Members may identify sites within their own area and seek the views of planning officers on the suitability of such sites for development.
- Local Ward Members may attend relevant meetings between the partners during the design stage of the proposal and should feel free to contribute views and comments which enable the scheme to evolve.
- Any local Ward Member who is also a Member sat on Planning Committee shall not, at any time during the pre application or application stage, publicly express a view for or against a development prior to its formal consideration.

3. **General Guidelines**

- Wyre Members' involvement in pre-application discussions should be limited to the ways set out in this protocol. Members of the Planning Committee should not arrange private meetings with developers.
- Any Planning Committee Member who elects to publicly support a view for or against a proposed development prior to its subsequent determination will predetermine their position to the extent that they will be advised to declare an other significant interest and thus be free to present their views to Committee in the event of the Committee considering the subsequent application, but they should not be able to take part in the debate or vote on the application.
- Wyre Members should not, at any time, seek to influence or put pressure on officers to support a particular form of action or a particular view.

Appendix 2**Committee Site Visits****Introduction**

This protocol relates to Section 11 of the Local Code of Good Practice for Councillors and Officers involved in the Planning Process.

A lack of any common approach on when and why to hold a site visit and how to conduct it can leave a council open to the accusation that such visits are arbitrary and unfair or a covert lobbying device. A protocol setting out the arrangements for the Planning Committee encourages consistency and transparency of process.

The general approach should be that a site visit should only be used where the expected benefit is clear and substantial given that officers will have already visited the site and identified material considerations on behalf of the council.

Site visits should be carefully organised to ensure that the purpose, format and conduct are clearly established at the outset and subsequently adhered to throughout the visit.

When will a site visit be carried out?

A site visit will be carried out where one or more of the following criteria are met:

- a) the impact of the proposed development is difficult to visualise from the plans or from any supporting material, including photographs taken by officers.
- b) there is a good reason why the written comments of the applicant and objectors cannot be understood or appreciated without a site visit (e.g. to see particular features of the neighbourhood or wider landscape), or if the proposal is particularly contentious.
- c) a ward Councillor makes a request in writing to the Head of Planning & Regeneration not later than 2 working days after the publication of the agenda, and such a request contains reasons that show that there would be a clear and substantial benefit from visiting the site.
- d) the development is a major development and is considered to be of strategic importance/significance.

In all cases, the decision as to whether sites are visited rests with the Head of Planning & Regeneration or Development Manager in consultation with the Chairman of the Planning Committee. The reason(s) for carrying out a site visit will be recorded in the report of the Head of Planning Services.

How will the site visit be conducted?

It should be noted that any Member, may, at any time visit an application site, although any such visit will be restricted to that which can be viewed/assessed from any public land (e.g. highway or other public right of way). Members must not enter onto private land unless it is with the express permission of the landowner. In such circumstances members must be careful to remain impartial and not express any opinion indicating support for or objection to the development. For such reason, independent site visits are not recommended.

As at present, the site visits will be carried out prior to the Committee Meeting and will not constitute a part of the meeting.

The site visits will consist of an inspection by Members of the Planning Committee only, accompanied by planning officers (normally the Development Manager and/or the Head of Planning & Regeneration). The inspection should be unaccompanied (i.e. without the applicant/agent and/or objectors/supporters).

Prior to Members viewing the site (and during the site visit as appropriate), the officers shall describe the proposal and any accompanying plans and explain the key issues, particularly where relevant to what Members will be looking at on the site visit. Members may ask questions of the officers for clarification on any matter relating to the application, but should not express their opinion on the merits of the application, nor enter into any debate on the merits of the application with other Members at this time.

For particularly contentious applications objectors/supporters may be at the site (or gathered on public land adjacent to the site) and will be looking to make representations verbally to Members or to hand out material to Members to support their case. In these instances Members should explain that the purpose of their visit is to view the site and its surroundings and that they cannot enter into any discussion in respect of the merits of the application, and cannot accept any written or other material.

If the applicant or agent needs to be present to provide access to the site, they shall be requested to allow the Members to view the site unaccompanied. An exception to this would be where the applicant/agent is required to show the Planning Committee around – either for safety or security reasons or where it involves looking inside any occupied building. Under such circumstances, the applicant/agent will be asked not to speak on any issues concerning the merits of the application.

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Social Media Policy for Wyre Councillors

1. Introduction

1.1 Definition – what is social media?

This is a term used to describe websites and applications for social networking. Popular social media platforms include Facebook, Twitter, LinkedIn, YouTube, Tik Tok, Instagram, Snapchat, WhatsApp and blogs. This is not an exhaustive list and is likely to lengthen over time. On social media sites users share information, discuss opinions and build online communities and networks.

1.2 Purpose

Social Media is a very powerful method of engagement which many councillors now use as a platform to enhance their profile and communicate with the public. It allows you to open up new conversations with the people you represent, understand and respond swiftly to local concerns, coordinate campaigns, assist with casework and let your residents know what you are doing as their local councillor.

1.3 This policy focuses on your use of social media in your role as a Wyre councillor, to reduce potential pitfalls and risks.

1.4 Who this policy covers

This policy covers the councillors of Wyre Council.

1.5 In the absence of Town and Parish Councils having their own social media policy for councillors, when considering any complaints or alleged breaches of the Code of Conduct in relation to social media matters, this policy will be used as guidance.

2. Social Media Policy

2.1 The Code of Conduct

The Code of Conduct for Councillors will apply to your online activity in just the same way as it does to any other written or verbal communication. The key to whether the Code applies is whether you are, or appear to be, acting in your capacity as a councillor.

2.2 When considering whether you are acting as a councillor, the Standards Committee would have regard to the following factors, although this list is not exhaustive:

(a) *The privacy settings on your social media site.* Where you have a private, personal blog or social media account, which is used in your personal capacity as a private individual and not as a councillor, there should be the maximum privacy settings in place. This will enable you to control who is able to see, review and comment on your posts. If your account is open to all readers, it may be reasonable for residents, and the Standards Committee, to assume that you are acting in your capacity as a councillor. This would also be the case if you are posting, commenting or replying on an open group or forum on a social media site that any member of the public can see.

(b) *Your profile on a social media site.* You need to be aware that it may not always be apparent to a member of the public in which capacity you are commenting. This “blurred identity” may have implications if comments made in a private capacity are taken to be those of the Council itself or your political party. This is because the judgement of whether you are perceived to be acting as a councillor will most likely be taken by someone else. In addition, anything written online can be screenshot and posted publicly.

2.3 Profiles, pages and sites, labelled as “Councillor” will automatically be considered as acting in your capacity as a Councillor.

2.4 Individual councillors can make their own statements relating to local issues and this policy is not designed to prevent any councillor expressing a personal opinion online. However, councillors must make it clear that any view expressed which differs from the Council’s policy is a personal view and should be recorded as such.

2.5 User responsibility

Councillors are personally responsible for the content that they publish on any form of social media. Publishing or allowing to be published (in the form of a comment) an untrue statement about a person which is damaging to their reputation may amount to libel.

2.6 Councillors must be aware of their own safety when placing information on the internet and should not publish something that could leave them vulnerable.

2.7 Online impressions count; how you portray yourself online is very important. Consider carefully how you may appear to someone who doesn’t know you personally. Is your online profile reflective of who you are and what you represent?

2.8 (i) **You should always treat others with respect** – if you make personal attacks or indulge in rude or offensive comments this may be interpreted as disrespectful.

(ii) **You must comply with equality legislation** – do not publish anything which might be considered to be discriminatory (for example, anything that is sexist, racist, ageist, homophobic or anti-faith. This is not an exhaustive list).

(iii) **You must not bully or intimidate anyone.**

(iv) **You must not disclose confidential information** – refrain from publishing anything you have received in confidence.

2.9 Elections

During the period leading up to an election (purdah) you cannot use any of the Council's resources, including staff, for support or promotion. However, this does not stop you using social media as part of your campaigning.

If you are intending to make comments on social media during purdah you must abide by any advice about publicity restrictions specified by the Electoral Commission on their website.

Guidance on social media platforms during purdah, as provided by the Local Government Association, should also be followed. It is recommended that councillors go to the website local.gov.uk and search for the latest advice.

2.10 Legal considerations

There are no new or additional legal burdens when using social media but you are publishing to the web – it's written down and it's permanent so you need to bear the following in mind:

Libel – If you publish an untrue statement about a person which is damaging to their reputation then they may take a libel action against you. This may also happen if someone else publishes something libellous on your website which you know about and don't take prompt action to remove. A successful libel action can result in an award of damages against you.

Copyright – Publishing images or text on your site from a copyrighted source (e.g. photos or extracts from publications) without obtaining permission first is likely to breach copyright laws. Breaching copyright laws can result in damages being awarded against you.

Data Protection – Take care not to publish the personal data of individuals unless you have their specific permission.

Bias and Pre-determination – Whenever you are involved in making planning, licensing or other quasi-judicial decisions do not say anything on social media which suggests that you have already made up your mind

before hearing all the evidence and arguments. Otherwise the decision may be at risk of being challenged and declared invalid, with cost implications to the Council.

Obscene material – Obviously you should avoid publishing anything on social media which anyone might consider obscene. Publication of obscene material is a criminal offence.

Harassment – it is a criminal offence to repeatedly pursue a campaign against someone where this is likely to cause alarm, harassment, nuisance or distress.

3. Use of social media – guidelines

3.1 Most pitfalls can be avoided if your online content is objective, balanced, informative and accurate.

Here are some tips to help you stay out of trouble:

3.2 Do . . .

- i. . . . set appropriate privacy settings for your blog or networking site (especially if you have a private non-political account).
- ii. . . . where possible, consider keeping your personal and elected member profile on social networking sites separate and maintain appropriate professional boundaries.
- iii. . . . look out for defamatory or obscene posts from others on your site and remove them as soon as practicable to avoid any impression that you condone such comments.
- iv. . . . be aware of safeguarding issues, particularly in relation to vulnerable adults and children.
- v. . . . ensure that you seek permission to post information from a copyrighted source.
- vi. . . . respond to any communication in a timely manner.

3.3 Do not . . .

- i. . . . post in haste, particularly if your judgement might be impaired.
- ii. . . . post comments that you would not be prepared to make face to face, or put in writing in a formal letter.
- iii. . . . represent your personal views, or those of any political party or specialist interest group you belong to, as being those of the Council.

- iv. . . . publish the personal data of any individual unless you have his/her specific permission.
- v. . . . distribute any material which could be considered inappropriate, offensive, illegal or discriminatory.
- vi. . . . forget to consider your wider audience, online posts may be read by younger people who could be distressed at messages which had been intended for their parents or close relatives.
- vii. . . . give the impression that you have already made up your mind before hearing all the evidence and arguments if you are involved in any planning, licensing or other quasi-judicial decision.
- viii. . . . forget to consider that anything written online can be screenshot and posted publicly.

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WYRE BOROUGH COUNCIL

Petition Scheme

- 1 Wyre's Petition Scheme was approved at a meeting of the Full Council on 7 July 2016.
- 2 Anyone who lives, works or studies in the borough can submit or sign a petition.
- 3 Paper petitions should be sent to:

The Democratic Services and Scrutiny Manager
Wyre Borough Council
Civic Centre
Breck Road
Poulton-le-Fylde
FY6 7PU
peter.foulsham@wyre.gov.uk
- 4 There is currently no provision for e-petitions.
- 5 Every petition should include a completed cover sheet (attached) which gives details of the petition organiser and a clear and concise statement that describes the subject of the petition.
- 6 Petitions should relate to the council's functions or its wider remit to work with other organisations. Petitions should not be vexatious or abusive and they should not be related to matters excluded from the scheme (e.g. individual planning or licensing decisions for which other established processes already exist). Petitions should be supported by a minimum of 3,000 valid signatories.
- 7 An acknowledgement will be sent to the petition organiser, usually within three working days of receipt of the petition.
- 8 The organiser of a petition that meets the defined criteria will have the opportunity to present it directly to the Leader of the Council. There will also be an opportunity for the petition organiser to ask a question about the petition topic at a meeting of the Full Council, if they so wish.

Petition to Wyre Council – cover sheet

Subject of petition

Contact details of petition organiser:

Name
Address
Telephone number
Email

Brief statement of the action petitioners wish the council to take (Note - this wording should also appear, with the subject of the petition, on each sheet of the petition)

Total number of signatories
Date petition submitted to Wyre Council

Date petition received (office use only)

COUNCILLOR CALL FOR ACTION PROCEDURES

1. Background

- 1.1 The 'Strong & Prosperous Communities' White Paper, 2006, proposed the idea of a Community Call for Action by stating:

"We want to strengthen the ability of local councillors to speak up for their communities and demand an answer when things go wrong. We propose that this role should be exercised by individual councillors through a 'Community Call for Action' or collectively by councillors through the Overview and Scrutiny Committee."

- 1.2 Section 119 of the Local Government and Public Involvement in Health Act 2007 (which inserted a new section 21A into the Local Government Act 2000) provides councillors with the opportunity to ask for such debate and discussion at an overview and scrutiny committee on issues where local problems have arisen and other methods of resolution have been exhausted. This legislation was implemented on 1 April 2009.

2. Key Issues and Proposals

- 2.1 The main principles of the Councillor Call for Action (CCfA) are as follows:

- a) The focus of the CCfA is on neighbourhood or locality issues and specifically the quality of public service provision at local level.
- b) The CCfA represents a genuine matter of local concern, based upon the councillor's judgement.
- c) The CCfA powers are limited to issues affecting a single ward.
- d) The subject of a CCfA should be a persistent problem which the ward councillor had been unable to resolve through local action and discussion with the cabinet or relevant services and agencies.
- e) Overview and Scrutiny consideration of a CCfA will be short and outcome-focused.
- f) A CCfA is not appropriate for dealing with individual complaints.
- g) A CCfA is not appropriate for dealing with matters that relate to quasi-judicial decisions (e.g. licensing and planning) or to council tax and non-domestic rates as these are subject to their own statutory appeals processes.
- h) A CCfA is concerned with the resolution of the issue raised.

2.2 The proposed arrangements for Wyre are as follows:

- ◇ Initially, a ward councillor should log a prospective CCfA with the Democratic Services team. In consultation with the Democratic Services team, the ward councillor might carry out some further actions in an effort to achieve an early resolution of the identified problem.
- ◇ If the issue remains unresolved it will be referred to the Overview and Scrutiny Committee as a Councillor Call for Action.
- ◇ The Overview and Scrutiny Committee will consider the matter fully, hearing any relevant evidence from appropriate individuals or organisations, with a view to achieving resolution at that meeting.
- ◇ The committee will make recommendations to the cabinet, or identify further work, as appropriate.

2.3 To make these procedures as easy to follow as possible, separate Guides have been prepared for Councillors, for Officers and for residents each of which is attached.



**Councillor Call for Action –
Procedure Guide**

Wyre's Procedure Guide for the Councillor Call for Action is in three parts:

- 1 Councillor Guide
- 2 Officer Guide
- 3 Residents' Guide

‘Councillor Call for Action’ in Wyre - Councillor Guide -

Context

Councillor Call for Action (CCfA) guidance is contained in the Local Government and Public Involvement in Health Act 2007 and the Police and Justice Act 2006.

What is a Councillor Call for Action (CCfA)?

CCfA is a tool to help you in your work as a ward councillor. It can be used to tackle problems, on a neighbourhood or ward specific basis, which you have been unable to resolve through the normal channels.

Although unresolved issues may be referred to scrutiny for further consideration at the end of the CCfA process, CCfA should not be regarded as merely a ‘scrutiny process’. It is a whole council approach, which is designed to help councillors to resolve issues and problems on behalf of their residents.

CCfA is not guaranteed to solve a problem. However, CCfA can provide:

- ❑ Recognition that an issue is significant enough for time, attention and resources to be spent in trying to resolve it.
- ❑ A public forum for discussion of the issues.
- ❑ An opportunity to discuss the issues in a neutral environment.
- ❑ An opportunity to discuss a problem with the explicit and sole aim of solving it.
- ❑ A high profile process owned by the ward councillor.

The Democratic Services team will support you throughout the process, which is illustrated on page 4.

What CCfA is not

CCfA is not:

- ❑ about a councillor’s everyday case work
- ❑ appropriate for dealing with individual complaints
- ❑ to be used for dealing with issues that relate to quasi judicial decisions (e.g. planning or licensing) or other issues that have their own statutory appeals processes.

Who can raise a CCfA?

The power to initiate a CCfA lies with you as a councillor; it is up to you to take the issue forward if you think it is a potential CCfA. **(STAGE 1)**

What kind of issues can be tackled by CCfA?

Issues should be genuine local community concerns which focus on the quality of public service provision at a local level. This includes any function of the authority that affects the councillor’s ward and constituents.

Issues that can be tackled by CCfA are usually persistent and have remained unresolved for a significant period of time. They may be issues that you are aware of from your work as a ward councillor or you can decide to champion a request on behalf of the public.

What does championing a request mean?

Championing a request will mean that you take the issue up on behalf of the resident(s)/community concerned and try to resolve the problem by liaising with council officers, the Cabinet and/or outside agencies. You need to do all that you possibly can to resolve the matter before it becomes a CCfA.

What if I don't want to champion a request from a member of the public?

If you decide not to champion a request, no further action will be taken under a CCfA. There is no right of appeal by members of the public.

I want to initiate a CCfA - what do I do next?

The first thing you should do is log a potential CCfA with the Democratic Services team (*see contact details*) who will help you to decide if an issue is suitable for the CCfA process. **(STAGE 2)**

If my issue is suitable for CCfA, what do I do next?

You will need to continue trying to resolve the issue yourself **(STAGE 3)**. You should keep the Democratic Services team informed about the progress you have made, keeping them up to date with developments. The Democratic Services team will try to assist you in resolving the concern by, for example:

- helping you to discuss issues with services/partner agencies;
- facilitating informal discussions;
- helping you to formally raise an issue with other agencies.

I have done everything I can to resolve the issue but it still remains unresolved; what do I do now?

At this stage, with no stone having been left unturned, the matter will be referred, with the agreement of the Chairman, for inclusion on the agenda of the next meeting of the O&S Committee **(STAGE 4)**.

The matter is referred to the O&S Committee - what happens now?

The CCfA will be added to the O&S Work Programme.

The Democratic Services team will arrange for any relevant person or representative of an organisation to attend the O&S Committee meeting so that the matter can be fully explored and resolved. One further option, if the matter cannot be resolved at one meeting, would be for the O&S Committee to set up a CCfA Task Group (a small group of members) to look in greater detail at the issue and how it should be resolved **(STAGE 5)**.

What will happen after the O&S Committee or CCfA Task Group has concluded its work?

A report will be produced, together with a set of recommendations. The report will be referred to Cabinet, via the O&S Committee if appropriate. The O&S Committee will review the progress of the implementation of recommendations agreed at Cabinet in the same way that the implementation of any other task group recommendations is reviewed.

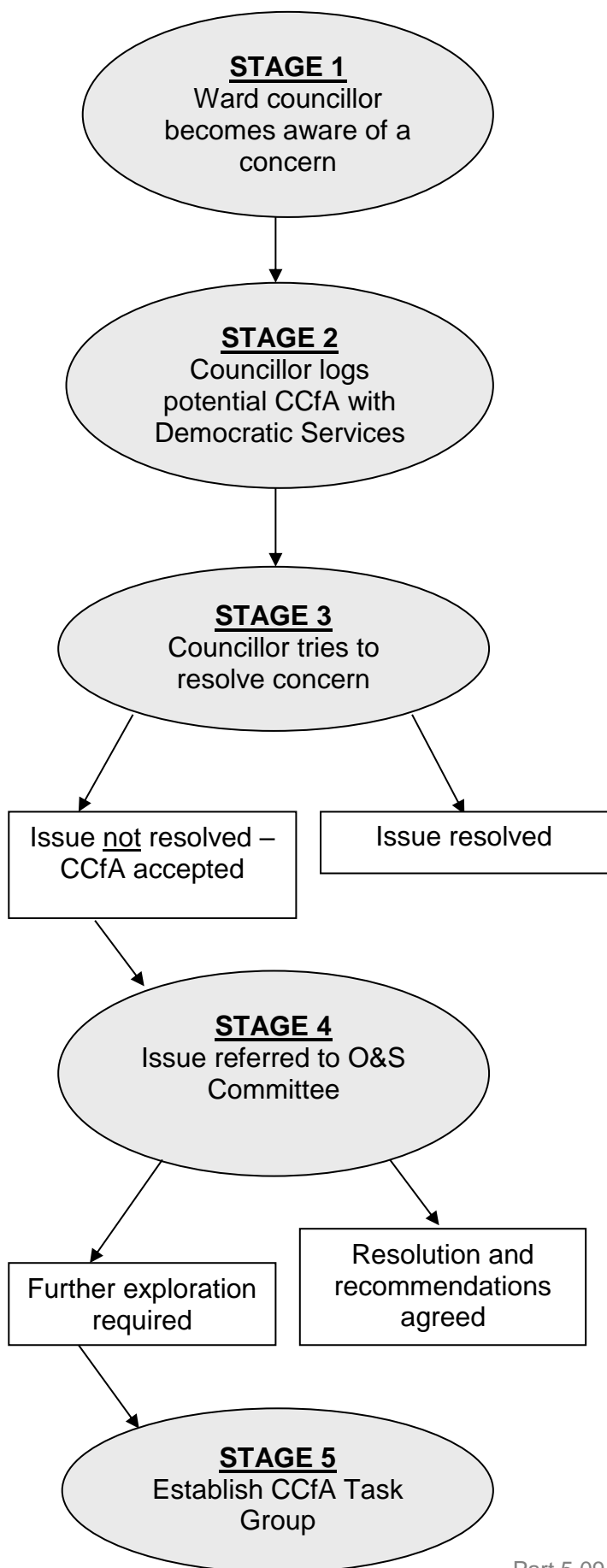
Contact details

**Democratic Services
Civic Centre
Breck Road
Poulton-le-Fylde
FY7 6PU**

Tel: 01253 887326

E-mail: democratic.services@wyre.gov.uk

Councillor Call for Action - Process



STAGE 1

Ask yourself - is it a potential CCfA?

1. Is it neighbourhood and ward specific?
2. Is it an individual complaint?
3. Is it about quality of public service provision at a local level?
4. Have you checked that it isn't a quasi-judicial decision?

STAGE 2

You need to log the potential CCfA with the Democratic Services team. Have you got the following information?

1. Names of other councillors involved
2. The wards and localities affected
3. Detailed account of the concern including timescales
4. Information and action taken so far
5. Information on officers/services/ partners involved

The Democratic Services Officer will forward details to the relevant Director and Cabinet Member.

STAGE 3

You should continue to try to resolve the issue, keeping the Democratic Services Officer (DSO) up to date with any progress made. The DSO will assist you in determining if everything possible has been done to resolve the concern. Your aim should be to get to a stage where you can demonstrate that no stone has been left unturned.

Once that is so, the matter will be referred for inclusion, with the agreement of the Chairman, to a meeting of the O&S Committee for full consideration.

STAGE 4

1. O&S Committee will hear evidence from all relevant contributors.
2. Recommendations made to Cabinet
3. If matter is not resolved at one meeting, O&S Committee can agree to set up a CCfA Task Group which will report its findings and recommendations, via the Committee, to Cabinet

STAGE 5

CCfA Task Group established

‘Councillor Call for Action’ in Wyre - Officer Guide -

Context

In order to strengthen the ward councillor’s role as a champion for local concerns, the Government has enacted, in the Local Government and Public Involvement in Health Act 2007, provisions for a ‘Councillor Call for Action’ (CCfA). This provides councillors with the opportunity to ask for discussions at scrutiny committees on issues where local problems have arisen and where all other methods of resolution have proved ineffective.

Despite its links with scrutiny, CCfA should be regarded as a ‘whole council approach’, which is intended to help councillors resolve issues on behalf of their residents.

Purpose and Objectives of CCfA

The successful operation of CCfA relies on several broad principles being recognised, and supported, in local authorities. These principles are:

- Transparency in decision-making and the involvement of scrutiny in the decision-making process at some level.
- A willingness to identify mistakes and shortcomings and the acceptance that problems can often be resolved through discussion.
- A common understanding shared by senior officers, executive members and non-executive members, that scrutiny plays a key role in helping the council to improve its services.
- An understanding and a wish to bolster and support the role that ward councillors play as champions and leaders of their communities.

CCfAs should represent genuine local community concerns and should focus on neighbourhood and ward issues, specifically the quality of public service provision. CCfA is a means of last resort when all other avenues have been exhausted and the councillor has been unable to resolve the issue.

What CCfA is not

CCfA is not:

- about a councillor’s everyday case work
- appropriate for dealing with individual complaints
- to be used for dealing with issues that relate to quasi judicial decisions (e.g. planning or licensing) or other issues that have their own statutory appeals processes.

What do officers need to know?

There are a number of scenarios in which you may come into contact with the CCfA process:

1. A member of the public contacts you to say that they want to raise a CCfA

- Only ward councillors can initiate a CCfA
 - You should therefore direct them to their local ward councillor **(STAGE 1)**
2. A ward councillor contacts you to say that they want to log a CCfA **(STAGE 2)**
 - CCfA must be logged with the Democratic Services team, to whom the councillor should be directed (details below)
 3. A ward councillor may ask you to assist them in trying to resolve an issue that has been logged as a potential CCfA.
 - Once a councillor has logged a potential CCfA they are still required to try and resolve the issue. A CCfA will only be established when all other avenues have been exhausted, although councillors are encouraged to log the issue with the Democratic Services team at an early stage. **(STAGE 3)**
 - You may be invited to attend meetings specifically set up by the Democratic Services team to try to help a councillor resolve the issue.
 4. A Democratic Services Officer may contact you to seek clarification or further information on an issue that has been logged as a potential CCfA.
 5. Once it is accepted that the issue still remains unresolved, despite no stone having been left unturned, the matter will be referred, with the agreement of the Chairman, for inclusion on the agenda of the next O&S Committee meeting.
 6. Relevant officers might be asked to attend as a witness or submit written information to the O&S Committee **(STAGE 4)** or a subsequently convened CCfA Task Group **(STAGE 5)**.

You will be contacted by the Democratic Services team if you are required to attend the O&S Committee or a CCfA Task Group or to provide written information.

7. Once the O&S Committee or CCfA Task Group has completed its work, recommendations will be sent to Cabinet. Arrangements will be made to monitor the progress of the recommendations agreed. You, or a member of your team, may be asked for a progress update by the O&S Committee, in the same way that the implementation of any other task group recommendations is regularly reviewed.

Any queries?

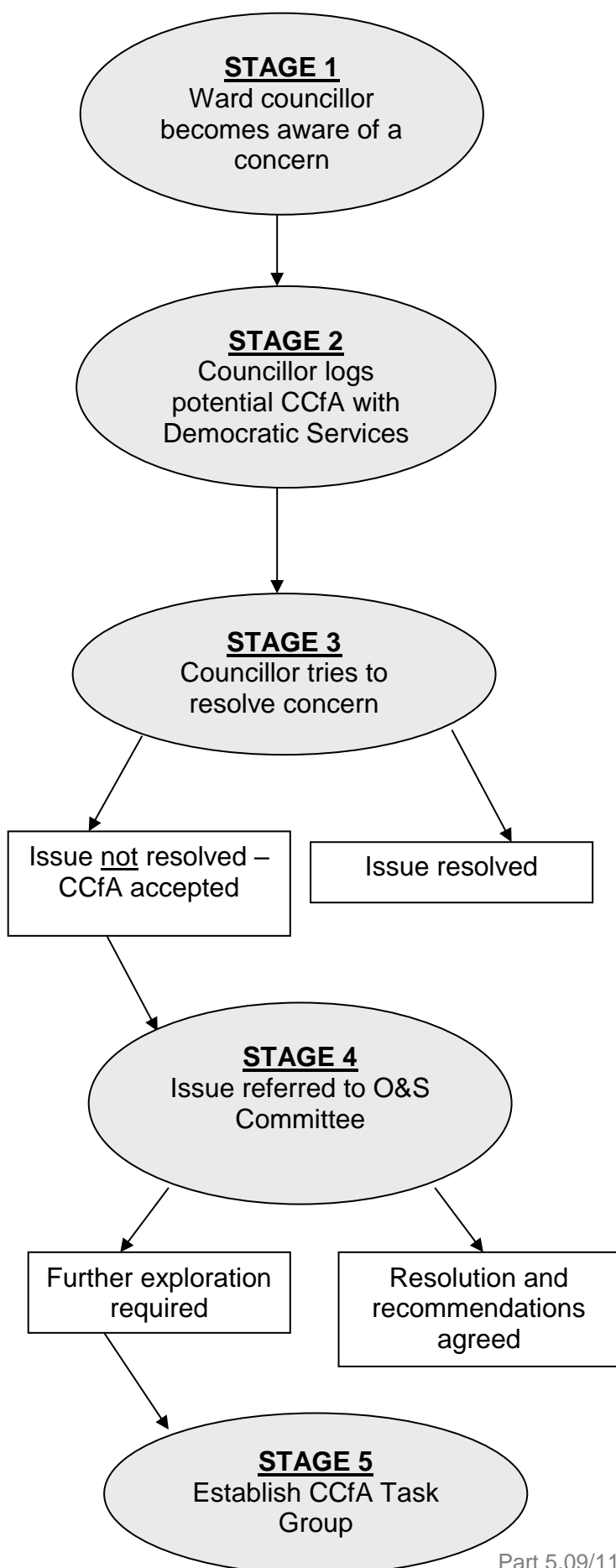
If you require any further information, please contact:

**Democratic Services
Civic Centre
Breck Road
Poulton-le-Fylde
FY7 6PU**

Tel: 01253 887326

E-mail: democratic.services@wyre.gov.uk

Councillor Call for Action - Process



STAGE 1
 Ask yourself - is it a potential CCfA?
 5. Is it neighbourhood and ward specific?
 6. Is it an individual complaint?
 7. Is it about quality of public service provision at a local level?
 8. Have you checked that it isn't a quasi-judicial decision?

STAGE 2
 You need to log the potential CCfA with the Democratic Services team. Have you got the following information?
 6. Names of other councillors involved
 7. The wards and localities affected
 8. Detailed account of the concern including timescales
 9. Information and action taken so far
 10. Information on officers/services/ partners involved
 The Democratic Services Officer will forward details to the relevant Director and Cabinet Member.

STAGE 3
 You should continue to try to resolve the issue, keeping the Democratic Services Officer (DSO) up to date with any progress made. The DSO will assist you in determining if everything possible has been done to resolve the concern. Your aim should be to get to a stage where you can demonstrate that no stone has been left unturned.
 Once that is so, the matter will be referred for inclusion, with the agreement of the Chairman, to a meeting of the O&S Committee for full consideration.

STAGE 4
 3. O&S Committee will hear evidence from all relevant contributors.
 4. Recommendations made to Cabinet
 3. If matter is not resolved at one meeting, O&S Committee can agree to set up a CCfA Task Group which will report its findings and recommendations, via the Committee, to Cabinet

STAGE 5
 CCfA Task Group established

‘Councillor Call for Action’ in Wyre - Residents’ Guide -

Context

Councillor Call for Action (CCfA) guidance is contained in the Local Government and Public Involvement in Health Act 2007 and the Police and Justice Act 2006.

What is a Councillor Call for Action (CCfA)?

CCfA is a tool to help councillors carry out their work in their wards, to resolve issues and problems on behalf of their residents. It can be used to tackle problems, on a neighbourhood or ward specific basis, which it has not been possible to resolve through the normal channels.

CCfA is not guaranteed to solve a problem. However, CCfA can provide:

- ❑ Recognition that an issue is significant enough for time, attention and resources to be spent in trying to resolve it.
- ❑ A public forum for discussion of the issues.
- ❑ An opportunity to discuss the issues in a neutral environment.
- ❑ An opportunity to discuss a problem with the explicit and sole aim of solving it.
- ❑ A high profile process owned by the ward councillor.

The Democratic Services Officer will support councillors throughout the process.

What CCfA is not

CCfA is not:

- ❑ about a councillor’s everyday case work
- ❑ appropriate for dealing with individual complaints
- ❑ to be used for dealing with issues that relate to quasi judicial decisions (e.g. planning or licensing) or other issues that have their own statutory appeals processes.

Who can raise a CCfA?

The power to initiate a CCfA lies with councillors; it is up to them to take the issue forward.

What kind of issues can be tackled by CCfA?

Issues should be genuine local community concerns which focus on the quality of public service provision at a local level. This includes any function of the authority that affects the councillor’s ward and constituents. Issues that can be tackled by CCfA are usually persistent and have remained unresolved for a significant period of time. They

may be issues that councillors are aware of from their work in the ward councillor or that they decide to champion on behalf of the public.

What does championing a request mean?

Championing a request will mean that your local councillor will take the issue up on behalf of the community and try to resolve the problem by liaising with council officers, the Cabinet and/or outside agencies. S/he will need to do all that s/he possibly can to resolve the matter before it becomes a CCfA.

What if the councillor does not want to champion a request from a member of the public?

If the ward councillor decides not to champion a request, no further action will be taken under a CCfA. There is no right of appeal by members of the public.

What is the process?

Your local councillor will do all that they possibly can to resolve the matter. They are encouraged to 'leave no stone unturned'. If it is not possible to resolve the matter, despite the councillor's best efforts, the councillor will have to make representations to the council's Overview and Scrutiny Committee.

The committee will consider all the evidence and information available and will try to resolve the matter at one meeting. If that proves impossible and further work is required, the committee will convene a CCfA Task Group (a small group of councillors) who will carry out further work on the issue and make recommendations about how it should be resolved. The recommendations will be passed, via the O&S Committee, to Cabinet, the council's executive decision-making body.

Who do I contact?

If you wish to suggest something for consideration as a CCfA, you should contact your local ward councillor in the first instance – it is for councillors to take this forward.

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Members' Allowances Scheme

Section A: General Conditions

1. The following sections describe the arrangements under which Members may claim allowances; the procedure for submitting a claim; and levels of allowances. The general conditions outlined in this section apply to all claims. Appendix A sets out the scheme and shows the current level of Allowances and will be updated whenever amendments are made.
2. Members may be entitled to claim the following type of allowance:
 - (a) Basic Allowance
 - (b) Special Responsibility Allowance
 - (c) Travel Allowance
 - (d) Subsistence Allowance
 - (e) Carer's and Dependent Person's Allowance

If any member wishes to forego any of the above allowances, notification in writing must be made to the Chief Executive by the beginning of each municipal year; otherwise, allowances will be paid automatically for Special Responsibility and Basic Allowances and on the receipt of claims for other allowances.

3. Basic Allowance

This is based on an annual sum paid in equal monthly amounts and will be paid without claim to all Members apportioned on a daily basis for their period of office starting on the fourth day after their election. **The Allowance is taxable.**

The Scheme is approved by the full Council, on the basis of recommendations made by the Independent Remuneration Panel (IRP). The IRP reviews the scheme annually – undertaking a full review every 3 years and a “light-touch” interim review in other years. Any recommendations made by the Panel are reported to the Council with any approved changes implemented at the start of the Municipal Year in May.

Since 2012 the Basic Allowance paid to each Councillor has been linked to the percentage increase in staff pay in the preceding year or a suitable proxy.

The amounts currently payable under the Scheme are set out in Appendix A.

4. Special Responsibility Allowance

This may be claimed only by the holders of certain designated posts and is calculated by reference to the Basic Allowance.

The allowance is based on an annual sum paid in equal monthly amounts. It will be apportioned on a daily basis for members starting and finishing their period of special responsibilities during the course of the financial year.

Post	Calculation
Leader	4 x Basic Allowance
Deputy Leader	0.5 x Basic Allowance
Cabinet Members	2 x Basic Allowance
Group Leaders *	(n/50) x Basic Allowance, where n = no. of Members in Group
Chairman of Overview and Scrutiny Committee	1.5x Basic Allowance
Chairman of Audit Committee	1 x Basic Allowance
Chairman of Planning Committee	1.5 x Basic Allowance
Chairman of Licensing Committee	1 x Basic Allowance
Chairman of Standards Committee	0.1 x Basic Allowance
Lead Members**	Fixed sum as specified in Appendix A
Mayor***	Annual sum as specified in Appendix A
Deputy Mayor***	Annual sum as specified in Appendix A

Note * Payable in respect of a group of two or more Members.

** A fixed sum for 2023/24.

*** A fixed Annual Allowance which reflects the Mayor's/Deputy Mayor's Civic Duties.

The amount for Group Leaders will change consequent upon the results of by-elections or Full Council elections that affect the balance of the groups.

The Special Responsibility Allowance is taxable and other than fixed sum allowances, will be increased annually in line with the increase in the Basic Allowance.

See Appendix A for the current amounts.

5. Travel Allowance

(a) Journeys

Members are eligible for this allowance only where expenditure is ***necessarily incurred*** in the performance of an approved duty as defined in Section B. Mileage can only be claimed from a Member's home to the location at which the approved duty is taking place. If mileage is being claimed from a Member's place of work, then the claim must not exceed the home to work mileage and if the journey is shorter then the lower value must be claimed.

The prescribed rates of payment for travel within the United Kingdom are shown in Appendix A. For travel abroad actual expenditure is reimbursed (after prior approval by the Chief Financial Officer).

There are three modes of travel for which allowance is payable:-

- (1) By public transport (actual cost reimbursed).
- (2) By a Member's own motorcycle.

- (3) By a Member's own private motor vehicle, or one belonging to a member of his/her family or otherwise provided for his/her use.

When claiming mileage by a private vehicle, **only that for the shortest route is payable**. However, if the use of a motorway results in a substantial saving of time, the actual mileage may be claimed (details of which should be given).

These rates will be amended as necessary in order to ensure parity with the rates paid to Council employees.

Actual cost will be reimbursed for rail travel as with all public transport and the option that offers best value for the council will be selected.

Members can submit a request relating to rail travel via Democratic Services and are asked to provide plenty of notice as advance booking of rail fares can be significantly cheaper than standard prices. Members should use a website like the Trainline to identify preferred times of travel and be aware that some rail fares cannot be refunded if unused. Members will be contacted by a member of Finance to arrange collection of their travel documents.

Any deviation from this policy should be agreed in advance with the Corporate Director Resources (S.151 Officer), and in the event of a dispute, referred to the Cabinet.

(b) Incidental Expenses

Members are entitled to claim only those travel-linked expenses that are incurred in the performance of an approved duty, e.g. car parking fees, toll charges etc.

When making a claim, Members should give full details and, whenever possible, attach the relevant receipts to support claims.

(c) Motor Vehicle/Cycle Insurance and Driving Licence

Members are advised that they should ensure that their current insurance policy covers them for use on Council Business. Members are required to certify on their claim form that this has been adhered to and that they hold a current driving licence.

6. Subsistence Allowance

Members are eligible for this allowance only where expenditure is **necessarily incurred** in the performance of an approved duty as defined in Section B.

The prescribed rates of payment for the performance of duties within the United Kingdom are shown in Appendix A.

For performance of duties abroad actual expenditure is reimbursed (after prior approval by the Corporate Director Resources (Section 151 Officer)).

Members should give full details when submitting a claim for this allowance, and certify that they have incurred additional expense, attaching any receipts.

7. Carer's and Dependent Person's Allowance

Payments will be made for expenses that are actually and necessarily incurred by Members in the conduct of approved duties as defined in Section B. Care relates to dependant relatives living with the Member or co-optee, as follows:

- (i) children aged 14 or under;
- (ii) elderly relatives requiring full-time care; and
- (iii) relatives with disabilities who require full-time care.

Receipts for the care costs incurred must be provided.

Allowances cannot be claimed for care provided by an immediate family member or a member of the Councillors household.

The current rate is shown at Appendix A.

This rate will be amended as necessary in order to reflect the national minimum wage.

8. IT Costs

All Councillors are supplied with a tablet computer which enables them to download and view agendas, reports and minutes before, during and after meetings. The tablet devices can also be used by Councillors to send and receive emails when they have access to wi-fi. The separate IT Allowance, previously paid in addition to the Basic Allowance was therefore withdrawn with effect from 2 May 2019. However, the Chief Executive is authorised, in exceptional circumstances, to make a payment to a Councillor experiencing financial hardship to obtain internet access at home.

Section B: Meaning Of "Approved Duty"

9. Approved Duties

Travel, subsistence and carer's and dependent person's allowances will only be paid for Councillors engaged on "approved duties" which are specified as follows:

- Meetings of bodies to which Councillors are appointed by the Council e.g. the Cabinet, Overview and Scrutiny Committee or Regulatory Committees;
- Meetings to which Councillors are invited in order to present a report or provide evidence;
- a meeting of Full Council;
- Task Groups appointed by Overview and Scrutiny Committee;
- a meeting of some other body to which the Council makes appointments or nominations e.g. Fleetwood Fielden Charity, or;

- duties undertaken on behalf of the Council as agreed by the Chief Executive (e.g. approved training).

10. Duties not Eligible for the Payment of Any Travel, Subsistence, Carers and Dependent Person's Allowances

- (i) Attendance by Members formally appointed as the Council's representatives at meetings of outside bodies consisting of local authority representatives who carry out functions closely connected with the Council's functions and who are authorised to pay travelling, subsistence and/or attendance allowances.
- (ii) Ward duties.
- (iii) Attendance at meetings considered to be of a party political nature.

Note: For ease of reference the full list of outside bodies for which allowances can be claimed, which is reviewed each year at the Council meeting in May, is published with the minutes of that meeting.

11. Attendance at Conferences

Travel and subsistence allowances will be paid at the usual rates to Members attending approved conferences, or other similar events.

12. Attendance at Official or Courtesy Visits

A Member attending an official or courtesy visit within the United Kingdom on behalf of the Borough, including Royal Garden Parties, shall be eligible for travel and subsistence allowances at the usual rates, attendance to be authorised by the Chief Executive.

13. Attendance at Meetings of Bodies Prescribed by the Secretary of State

The Local Government Act 1972 specifies that "approved duty" shall include the doing of anything as a member of a body prescribed by the Secretary of State to which the Member has been appointed by or on the nomination of the Council in pursuance of a duty imposed on or a power granted to the Council by any enactment or instrument (including Royal Charter). Any Member doing anything as a member of such a body for the purpose of, or in connection with, the discharge of the functions of that body is therefore eligible for travel and subsistence allowances at the usual rates.

Section C: Procedure for Claiming Allowances

- 14.** Allowance claims should be submitted to the Democratic Services Team on the official form by the 15th day of each month. All claims submitted by that date will be paid on the 15th day of the following month directly into the Councillor's bank account. Claims received after that date will be paid in the following month.

Members are required to submit claims within two months of the date on which the entitlement to the allowance arises is carried out.

When completing claim forms, Members are requested to:

- (a) Enter their name and address.
- (b) Delete modes of travel not applicable (ie. indicate if travel is by private car, private motor cycle or by public transport).
- (c) Indicate car or motor cycle details:
 - (i) Engine size of vehicle.
 - (ii) Make of vehicle.
 - (iii) Registration number of vehicle.
- (d) Enter date of duty.
- (e) Enter place of duty.
- (f) Enter amount of attendance or financial loss allowance received from an outside body.
- (g) Enter the place that the journey starts and finishes (including those for outside bodies).
- (h) Enter the names of official passengers taken in a private vehicle in order to qualify for a higher allowance.
- (i) Enter miles driven (based on the shortest route) or public transport fares incurred.
- (j) Enter amount of incidental expenses with the necessary explanatory detail.
- (k) Enter the subsistence amount claimed with the necessary explanatory detail and, whenever possible, attach any VAT receipts to support the amount.
- (l) Enter the number of hours claimed for the carer's allowance calculated from the time leaving home to the time returning to home.
- (m) Indicate by deleting yes/no if vehicle has been changed since last claim
- (n) Sign the form, ensuring that the statement above the signature has been adhered to.

Note: payment of these allowance is dependent on expenditure actually being incurred and Members must sign the form to that effect when claiming. Members are reminded that claims are not permissible when allowances have been claimed from another body.

An online form is located on the Councillor Portal or blank claim forms can be obtained from the Democratic Services Team.

15. Income Tax

A payment in respect of the performance of the duties of a Member counts as a taxable "emolument" (remuneration).

A payment which is no more than the reimbursement to the Member for the extra expense he/she has necessarily incurred in carrying out his/her duties is not normally taxable (reimbursement).

(a) Basic Allowance and Special Responsibility Allowance

These are payable to a Member as of right, whether or not he/she has lost earnings or incurred expenses. They are classed as REMUNERATION and are regarded by Inland Revenue as **taxable**.

New members need to obtain a P46 from the Human Resources Section, complete and return it so that code numbers can be obtained from the Inland Revenue on their behalf.

Tax codes continue unless notification is received from the Inland Revenue.

Any queries on this aspect should be referred to the HR Team.

(b) Travel Allowance

A Member's home is regarded as his/her place of work and his/her travel expenses are all regarded as being "in the performance of his/her duties".

Any amount paid in excess of the Approved Mileage Allowance Payment (HMRC rate) is currently taxable and will be deducted at source. The Government have announced their intention to introduce legislation to exempt from income tax and national insurance, travel expense payments made to local councillors.

(c) Subsistence and Carer's and Dependent Person's Allowances

These are regarded as REIMBURSEMENT of expenses and are consequently **not liable to income tax**.

16. National Insurance

Members' Allowances are subject to National Insurance deductions. See Appendix A for limits.

17. Pensions For Members

Pensions are not paid to Councillors.

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Levels of Allowances 2023/24

Updated following Wyre Council Local Elections May 2023 and Warren Ward By-Election June 2023

The following allowances apply to the Wyre Council Members' Allowances Scheme set out in Part 6.01 of the Constitution. The payments set out below assume that the recommendations of the IRP to the Council meeting on 20 April 2023 are approved. The allowances paid to the Group Leaders reflect the current political balance of the Council: Conservative 30, Labour 17, Wyre Independent 2 and Independent (unaligned) 1.

Basic Allowance

Annual amount per Member (as at 18 May 2023) £4,728

Special Responsibility Allowance

Responsibility	Method of calculation	Annual Amount
Leader	4 x Basic Allowance	£18,912
Deputy Leader	0.5 x Basic Allowance	£2,364
Cabinet Members (6)	2 x Basic Allowance	£9,456
Group Leaders *	(n/50) x Basic Allowance, where n = no. of Members in Group	£2,836.80 (Con) £1,607.52 (Lab) £189.12 (Wyre Ind)
Chairman of Overview and Scrutiny Committee	1.5 x Basic Allowance	£7,092
Chairman of Audit Committee	1 x Basic Allowance	£4,728
Chairman of Planning Committee	1.5 x Basic Allowance	£7,092
Chairman of Licensing Committee	1 x Basic Allowance	£4,728
Chairman of Standards Committee	0.1 x Basic Allowance	£472.80
Lead Members (2)	Fixed Sum	£250
Mayor	Annual Sum***	£9,423
Deputy Mayor	Annual Sum***	£1,848

Note: * Payable in respect of a group of two or more Members

** A fixed sum for 2023/24

*** An annual allowance which reflects the Mayors/Deputy Mayors Civic duties

To illustrate: the total amounts payable to recipients of Special Responsibilities in 2023/24 are expected to be as follows (provided no changes to political balance or responsibilities occur):

Leader of the Council	(£4,728 + £18,912 + £2,836.80)	= £26,476.80
Deputy Leader	(£4,728 + £9,456 + £2,364)	= £16,548
Cabinet Members	(£4,728 + £9,456)	= £14,184
Labour Group Leader	(£4,728 + £1,607.52)	= £6,335.52
Wyre Independent Group Leader	(£4,728 + £196.44)	= £4,924.44
Chairman of Overview and Scrutiny Committee	(£4,728 + £7,092)	= £11,820

Chairman of Audit and Standards Committee	(£4,728 + £4,728)	= £9,456
Chairman of Planning Committee	(£4,728 + £7,092)	= £11,820
Chairman of Licensing Committee	(£4,728 + £4,728)	= £9,456
Mayor	(£4,728 + £9,423)	= £14,151
Deputy Mayor	(£4,728 + £1,848)	= £6,576

Travel Allowances

- a. For travel by rail, the option that offers best value for the council will be selected. Member's should submit their request relating to rail travel via Democratic Services at the earliest opportunity as advance booking of rail fares can be significantly cheaper than standard prices. Members should use a website like the Trainline to identify preferred times of travel and be aware that some rail fares cannot be refunded if unused.
- b. Member's or Co-optee's own motor cycle usage will be linked to the HMRC rate for tax allowances (currently 24p per mile).
- c. Member's or Co-optee's own private motor vehicle, or one belonging to a member of her/his family or otherwise provided for her/his use will be paid at a flat rate per mile (currently 52.2p). The allowance will be linked to the NJC car mileage rates paid to officers and reflect the mid-point of the casual user rate.
- d. Increase for each passenger to whom travelling expenses would otherwise be payable up to a maximum of four is paid at the HMRC rate for tax allowances (currently 5p per mile).

Subsistence Allowances

1. Day Subsistence

This is not normally paid as attendance at conferences and seminars will include the provision of refreshments/lunch.

2. Overnight Subsistence

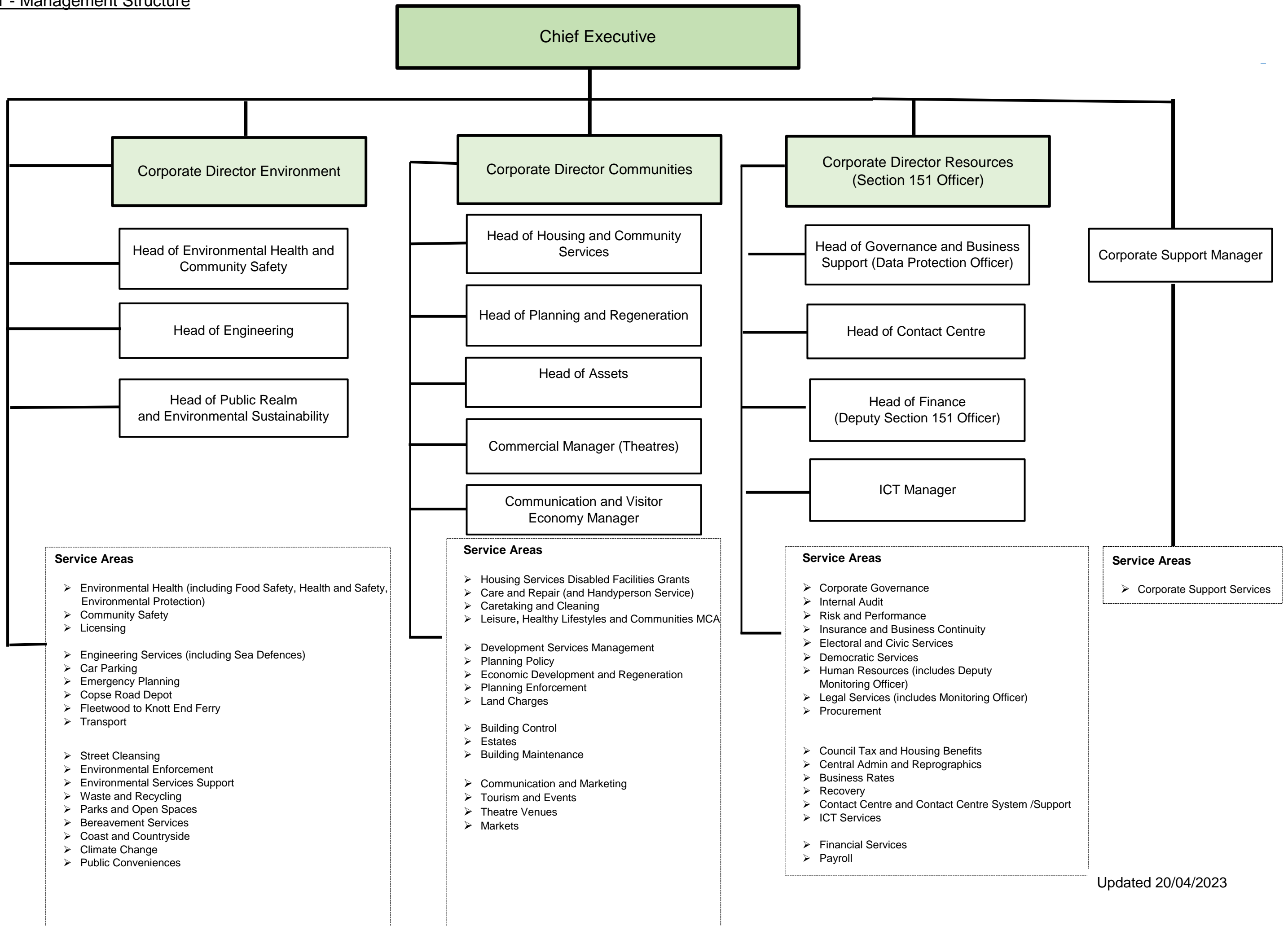
The Overnight allowance to cover hotel bills including breakfast is normally arranged via the Financial Services Team and paid directly by the council. An evening meal allowance of £15 is payable on the production of valid receipts.

Dependants' Carers' Allowance

Amount per hour, calculated from time leaving home to time returning home, paid in accordance with the national minimum wage.

National Insurance Contributions

Earnings allowable before deductions made	£12,570 per annum (£1,047.50 per month)
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Scheme of Delegations to Officers

Functions, matters, powers, authorisations, delegations, duties and responsibilities within this Scheme shall be construed in a broad and inclusive fashion and shall include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of anything specified.

All delegations to officers are subject to the following general conditions:

1. All decisions taken must comply with the Council's approved budget, the Policy Framework, the Financial Regulations and Financial Procedure Rules and all other elements of the Constitution.
2. In the absence of the Chief Executive the functions of the Chief Executive will be the responsibility of any of the Corporate Directors.
3. An officer to whom a function is delegated may authorise another officer to exercise that function, provided that the other officer reports to or is responsible to the officer in question.
4. In the absence of the relevant officer, the Chief Executive and Corporate Directors shall have power to act subject to any statutory limitations.
5. Reference to any enactment, regulation, order or byelaw shall include any amendment or re-enactment, whether or not with amendments.

Executive Functions Delegated to the Chief Executive

To discharge any executive function falling within the area of responsibility of the Chief Executive including, but not limited to, the functions set out in the paragraphs below.

1. To act as the head of paid service under section 4 of the Local Government and Housing Act 1989 and in this role:
 - (a) To exercise overall responsibility for corporate management and operational issues (including overall management responsibility for all staff);
 - (b) To give professional advice to all parties in the decision making process including the Council, Portfolio Holders, the Cabinet, Overview and Scrutiny and Regulatory Committees;
 - (c) Together with the Monitoring Officer, to be responsible for a system of record keeping for all the Authority's decisions;
 - (d) To represent the Authority on partnerships and external bodies as required by statute or by the Authority.
2. To carry out any function which is delegated to a Corporate Director or Head of Service subject to any limits or conditions attached to that delegation and statutory limitations.

3. To grant dispensations to Cabinet members prior to the taking of an executive decision in respect of which they have a conflict of interest pursuant to regulation 12 and 13 of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.
4. To cancel or alter the time or the date of any meeting.
5. To take action within the Council's powers in cases of emergency or disaster and after consultation with the Chief Financial Officer (or his or her nominee) to incur expenditure (the Leader to be notified as soon as reasonably possible after the expenditure is incurred).
6. To take action within the Council's powers in cases of the absence or incapacity of the designated decision taker or in the failure of the Council in any year to agree executive arrangements by the statutory deadline for the holding of the Council's annual meeting.
7. To allow face-to-face meetings to be replaced with remote or hybrid arrangements where legislation permits.
8. To provide the necessary authorisations in respect of surveillance in accordance with the Regulation of Investigatory Powers Act 2000 where confidential information is involved or where authorisation is sought for employment of a juvenile or vulnerable covert human intelligence source (CHIS).
9. To exercise powers under the Civil Contingencies Act 2004 concerning emergency planning and response arrangements and to appoint a deputy officer for such purposes.
10. To receive and respond to expressions of interest under the Community Right to Challenge under Part 5 Chapter 2 Localism Act 2011.

Non-Executive Functions Delegated to the Chief Executive

To discharge any non-executive function falling within the area of responsibility of the Chief Executive including, but not limited to, the functions set out in the paragraphs below.

1. To determine following consultation with the Chief Financial Officer, the early release of any employees, except the Corporate Directors, provided that the proposals are cost neutral to the Council over a specific period of time in accordance with the Council's Policy and the Council's External Auditors advice. (Proposals for the early release of the Chief Executive or any of the Corporate Directors must be considered by the full Council.)
2. To suspend a Corporate Director where their continued presence at work may prejudice an investigation or where there is a prima facie case of gross misconduct (the members of Cabinet to be notified as soon as possible after the action has been taken).
3. To approve changes to any document forming part of the Council's policy framework provided the proposed change:

- (a) Is prescribed by legislation or statutory instrument;
 - (b) Merely corrects a typographical error or errors; or
 - (c) Is of a minor nature i.e. the proposed change does not affect the substance of the document or change Council policy.
4. In respect of community governance reviews, to comply with the Council's duties and responsibilities under Chapter 3 Part 4 of the Local Government and Public Involvement in Health Act 2007.
5. To act as Returning Officer for elections and as the Council's Electoral Registration Officer.
6. As Returning Officer, to approve an annual increase in the fees and disbursements paid for Borough and Parish Elections.
7. In consultation with the Legal Services Manager to make orders under s.91 of the Local Government Act 1972.

Executive Functions Delegated to the Corporate Directors

To discharge any executive function falling within the area of responsibility of the Corporate Directors including, but not limited to, the functions set out in the paragraphs below.

1. To engage, suspend, dismiss and deploy staff (in consultation with the officer responsible for strategic human resource issues) including:
 - (a) To review and amend the structure and staffing levels within approved budget provision;
 - (b) To fix commencing salaries for appointments and promotions as appropriate;
 - (c) To accelerate increments where specified levels of competence have been acquired;
 - (d) To re-grade posts in accordance with the Council's job evaluation scheme;
 - (e) To amend terms and conditions of employment;
 - (f) To deal with applications to take up outside appointments or engage in outside work for Officers at Grade 8 and above;
 - (g) To deal with applications for compassionate leave in excess of 10 days;
 - (h) To extend the time limit for lodging and travelling allowances up to 12 months in total;
 - (i) To deal with any matter relating to the payment of recruitment incentives within approved budget provision;

- (j) To take disciplinary action against staff.
- 2. To act as authorising officer for the purposes of the Regulation of Investigatory Powers Act 2000 and the Protection of Freedoms Act 2012.
- 3. Power to carry out surveillance which is / is not governed by the Regulation of Investigatory Powers Act 2000 subject to confirmation with the Legal services Manager and any member of the council's Corporate Management Team.
- 4. To make an application to a Justice of the Peace, in accordance with the Protection of Freedoms Act 2012, seeking an order approving the grant or renewal of a RIPA authorisation or notice and to represent the Council in making such an application.
- 5. In relation to the Property Investment Board, following their agreement (including the S.151 Officer), to approve investment in commercial properties up to £1,000,000 and funds permitting, in consultation with the Resources Portfolio Holder and to make recommendations for any commercial property investments over £1,000,000 to Cabinet.
- 6. To authorise appropriate staff to prosecute, defend or appear in the Magistrates Court, the county court, valuation panels and tribunals or other hearings.
- 7. To authorise injunctive proceedings.
- 8. To authenticate documents in connection with the exercise of executive functions.
- 9. To take proceedings for recovery of council owned land including forfeiture.
- 10. To waive fees and charges in exceptional circumstances.

Non-Executive Functions Delegated to the Corporate Directors

To discharge any non-executive function falling within the area of responsibility of the Corporate Directors including, but not limited to, the functions set out in the paragraphs below.

- 1. To determine following consultation with the Chief Financial Officer, the early release of any employees, except the Chief Executive and Corporate Directors, provided that the proposals are cost neutral to the Council over a specific period of time in accordance with the Council's Policy and the Council's External Auditors advice. (Proposals for the early release of the Chief Executive or any of the Corporate Directors must be considered by the full Council.)
- 2. Determination of appeals against cautions and dismissals in accordance with the Council's Disciplinary and Capability Procedures where there has been no previous involvement with the decision making process.
- 3. To sign/seal documents on behalf of the Council including any agreement, contract, notice, demand, order or other document.

4. To commence, defend, conduct, settle and appear in any legal proceedings to protect the Council's assets or interests or relating to the Council's functions.

Executive Functions Delegated to the Corporate Directors and all Heads of Service

To discharge any executive function falling within the area of responsibility of the Corporate Directors and all Heads of Service including, but not limited to, the functions set out in the paragraphs below.

1. To perform and/or carry out those functions of the Council within the relevant service area including:
 - (a) Incur, vary and discontinue expenditure;
 - (b) Manage the staffing, property, financial and other resources within their control;
 - (c) Procure works, goods and services, including accepting tenders subject to all necessary approvals being received. (Where other than the lowest price is accepted prior approval of the Chief Financial Officer is required);
 - (d) To sign contracts/agreements/demands/orders/notices or other documents on behalf of the Council;
 - (e) Dispose of surplus vehicles, plant, machinery or equipment in accordance with the Council's Financial Regulations and Financial Procedure Rules;
 - (f) Terminate contracts;
 - (g) Exercise virements within the limits set out in the Council's Financial Regulations and Financial Procedure Rules, namely, that virements of up to £5,000 be delegated to Corporate Directors and Heads of Service with virements of up to £20,000 requiring the approval of the Chief Financial Officer and with virements over £20,000 also requiring the approval of the Resources Portfolio Holder;
 - (h) Serve, receive and act upon notices, give or refuse consents, issue determinations, apply for permissions and make orders in the exercise of the Council's power and duties;
 - (i) Respond to consultations from Government or other public bodies;
 - (j) Prepare bids for lottery and other external grant funding;
 - (k) Represent the Council on external bodies, partnerships or at other forums;
 - (l) Be responsible as client under the Construction (Design and Management) Regulations 2015 for all relevant projects undertaken by the Council within their service area.

2. To authorise any officer(s) under his/her control to exercise any of the functions delegated to him/her.
3. To deal with the following employment issues within their service area:
 - (a) Apply conditions of service;
 - (b) Make arrangements for staffing cover for a period of 24 weeks, including the appointment of temporary staff to cover periods of absence e.g. maternity, paternity, parental and adoption leave;
 - (c) To settle ex gratia payments in respect of loss or damage to the personal property of employees in consultation with the Council's Insurance Officer;
 - (d) Amend job descriptions of staff;
 - (e) Approve applications for leave of absence of up to 10 days in consultation with the officer responsible for strategic human resource issues;
 - (f) To approve overtime working within approved estimates;
 - (g) To approve acting up payments to officers undertaking additional responsibility associated with a higher graded post in consultation with the officer responsible for strategic human resource issues;
 - (h) To approve applications for job share where no additional financial burden falls on the Authority.
4. To alter normal opening hours in any buildings, premises or facilities owned or operated by the Council open to the public for specific events, public holidays or other urgent reasons.

Non-Executive Functions Delegated to the Corporate Directors and all Heads of Service

To discharge any non-executive function falling within the area of responsibility of the Corporate Directors and all Heads of Service including, but not limited to, the functions set out in the paragraphs below.

1. To designate attendance at meetings and events as approved duties for the purpose of eligibility for travel and subsistence allowance where such attendance is in connection with the discharge of the Council's functions, including its executive function.

Executive Functions Delegated to the Corporate Director Environment

To discharge any executive function falling within the area of responsibility of the Corporate Director Environment including, but not limited to, the functions set out in the paragraphs below.

1. The provision and management of the Council's Cemeteries under the Local Government Act 1972 and the Local Authorities Cemeteries Order 1977 as amended.
2. To exercise the powers conferred by the following legislation, and any regulations, orders, byelaws or other subsidiary legislation made thereunder and any enactments amending or replacing the same, and to appoint and authorise officers under any of the Statutes which fall within the remit of the Public Realm Section, including appearance in court:
 - (a) Animal Boarding Establishments Act 1963;
 - (b) Anti-Social Behaviour Act 2003;
 - (c) Anti-Social Behaviour Crime and Policing Act 2014;
 - (d) Control of Pollution Act 1974;
 - (e) Dogs Act 1871;
 - (f) Dangerous Dogs Act 1991;
 - (g) Dangerous Dogs (Amendment) Act 1997;
 - (h) Dogs (Protection of Livestock) Act 1953;
 - (i) Environment Act 1995 and 2021;
 - (j) Environmental Protection Act 1990 (in so far as it is an executive function);
 - (k) Guard Dogs Act 1975;
 - (l) Household Waste Duty of Care Regulations 2005;
 - (m) Litter Act 1983;
 - (n) Local Government (Miscellaneous Provisions) Act 1982.
 - (o) Tort (Interference with Good) Act 1977;
 - (p) Town Police Clauses Act 1847;
 - (q) Waste Framework Directive 2008.
3. To be responsible for delivering the Council's statutory responsibilities in respect of the Forest of Bowland Area of Outstanding Natural Beauty.
4. To waive fixed penalty notices for breaches of environmental legislation, where such notices are deemed to have been served incorrectly.
5. To operate the Hedgerow Regulations 1997 on land in the Borough of Wyre including issuing a Hedgerow Retention Notice.
6. To take action on dangerous trees including those under S154 of the Highways Act 1980.
7. To issue cautions in accordance with the Home Office Circular 16/2008.
8. To operate the deployment of mobile cameras for environmental offences.
9. To obtain licences issued under the Licensing Act 2003.

Non-Executive Functions Delegated to the Corporate Director Environment

To discharge any non-executive function falling within the area of responsibility of the Corporate Director Environment including, but not limited to, the functions set out in the paragraphs below.

1. To exercise the powers conferred by the following legislation and any regulations, orders, byelaws or other subsidiary legislation made thereunder and any enactments amending or replacing the same, and to appoint and authorise officers under any of the Statutes which fall within the remit of the Operations Section, including appearance in court:
 - (a) Animal Welfare Act 2006
 - (b) Anti-Social Behaviour, Crime and Policing Act 2014;
 - (c) Clean Neighbourhoods and Environment Act 2005;
 - (d) Control of Pollution (Amendment) Act 1989;
 - (e) Environment Act 1995 and 2021;
 - (f) Environmental Protection Act 1990 (in so far as it is a non-executive function);
 - (g) Health and Safety at Work etc. Act 1974
 - (h) Local Government (Miscellaneous Provisions) Act 1976;
 - (i) Refuse Disposal (Amenity) Act 1978;
 - (j) Licensing Act 2003;
 - (k) Gambling Act 2005;
 - (l) Zoo Licensing Act 1981;
 - (m) Dangerous Wild Animals Act 1976;
 - (n) Local Government (Miscellaneous Provisions) Act 1982;
 - (o) Caravan Sites and Controlled Development Act 1960;
 - (p) County of Lancashire Act 1984;
 - (q) House to House Collections Act 1939;
 - (r) Mobile Homes Act 2013;
 - (s) Scrap Metal Dealers Act 2013.
2. To take action pursuant to the Anti-Social Behaviour, Crime and Policing Act 2014 in connection with high hedges, including the service of remedial notices, action in default of remedial notices and authorising powers of entry to land under Part 8.
3. To instruct the legal team to make, confirm or revoke Tree Preservation Orders.
4. To instruct the legal team to serve notices and take action under Section 207 of the Town and Country Planning Act 1990 requiring the replacement of trees.
5. To deal with applications for felling or lopping trees included in a TPO or notification of intention to fell or lop trees in a conservation area.
6. To liaise with Lancashire County Council and deliver residual highway arrangements such as those relating to the maintenance of highway verges, trees and weed control.
7. To issue and serve notices requiring information as to the ownership, occupation and use of any land and to authorise proceedings in the event of non-compliance with any such notice.
8. To agree boating byelaws in accordance with the Local Government (Miscellaneous Provisions) Act 1976.

9. To make temporary reductions to car park fees, on specified car parks, during set times, for example during the pre-Christmas period, such changes to be limited in scope and aimed at promoting economic growth in the borough through higher use of the car parks by residents and visitors.
10. To issue and serve notices requiring information as to the ownership, occupation and use of any land and to authorise proceedings in the event of non-compliance with any such notice.

Executive Functions Delegated to the Corporate Director Communities

To discharge any executive function falling within the area of responsibility of the Corporate Director Communities including, but not limited to, the functions set out in the paragraphs below.

1. To obtain licences issued under the Licensing Act 2003.
2. To ensure overall management responsibility for the promotion and proper management of the Wyre Community Lottery and for compliance with the regulatory regime as a whole, including holding a lottery operating licence under the Gambling Act 2005.

Executive Functions Delegated to the Corporate Director Resources (S151 Officer) and in their absence to the Head of Finance (Deputy S151 Officer)

Executive Functions not delegated to the Legal Services Manager

To discharge any executive function falling within the area of responsibility of the Corporate Director Resources (S151 Officer) and in their absence to the Head of Finance (Deputy S151 Officer) including, but not limited to, the functions set out in the paragraphs below.

1. To consider compensation claims from an owner of land or premises for loss or expense incurred as a consequence of an asset being included in the Council's List of Assets of Community Value under Part 5, Chapter 3 of the Localism Act 2011 and, where necessary, to make payments in accordance with Regulations made under the Act.
2. To administer the Council's payroll function.
3. To undertake the proper administration of the Council's financial affairs in accordance with S151 of the Local Government Act 1972, Section 114 of the Local Government and Finance Act 1988 and the Accounts and Audit Regulations 2015.
4. To arrange all borrowing, financing and investment in line with the Council's Treasury Management Policy and in accordance with the CIPFA Code of Practice on Treasury Management.
5. To agree the deployment of reserves and provisions in accordance with their purpose.
6. To determine the amount of the council tax base.

7. To agree the NNDR1 and NNDR3 submissions in accordance with the Business Rates Retention Scheme.
8. To administer the Collection Fund on behalf of the Authority in accordance with section 89 and 90 of the Local Government Finance Act 1988.
9. To make appropriate banking arrangements on behalf of the Council.
10. To effect all insurances and manage the Council's insurance arrangements.
11. Power to write off bad debts without limit and to report these to the relevant executive member.
12. Responsibility for maintaining an adequate and effective system of internal audit.
13. To negotiate with debtors and waive approved fees and charges under exceptional circumstances and/or in appropriate cases.
14. To determine fees and charges in respect of summonses, Local Land Charge Searches, the recovery of costs and for inspecting and copying documents and access arrangements for viewing documents and registers in accordance with the relevant legislation.
15. To accept blight notices relating to properties affected by development or redevelopment in accordance with Section 150 of the Town and Country Planning Act 1990.
16. To settle maladministration claims against the Council and to agree compensation to persons adversely affected by maladministration, pursuant to section 92 of the Local Government Act 2000.

(Executive Functions also delegated to the Legal Services Manager)

To discharge any executive function falling within the area of responsibility of the Legal Services Manager including, but not limited to, the functions set out in the paragraphs below.

1. In relation to executive functions, to commence, defend, conduct, settle and appear in any legal proceedings to protect the Council's assets or interests or relating to the Council's functions.
2. To take all action required by law to acquire or dispose of interests in land and property including leases, tenancy agreements and easements.
3. To take all steps prescribed by law to implement compulsory purchase orders and to make relevant payments.
4. To implement an enforced sale including serving of notices, drawing up and sealing deeds, registering charges, taking possession and marketing the property in an appropriate manner and completing the sale of the property.

Non-Executive Functions Delegated to the Corporate Director Resources (S151 Officer) and in their absence to the Head of Finance (Deputy S151 Officer)**(Non-Executive Functions also delegated to the Legal Services Manager)**

To discharge any non-executive function falling within the area of responsibility of the Corporate Director Resources (S151 Officer) and in their absence to the Head of Finance (Deputy S151 Officer) including, but not limited to, the functions set out in the paragraphs below.

1. To agree and enter into agreements pursuant to section 106 Town and Country Planning Act 1990 after consultation with the Head of Planning and Regeneration.
2. To approve the naming of streets and the numbering of properties under Section 17 and 18 respectively of the Public Health Act 1925.

Non-Executive Functions Delegated to the Legal Services Manager (Monitoring Officer) and in their absence to the Deputy Monitoring Officer

To discharge any non-executive function falling within the area of responsibility of the Legal Services Manager (Monitoring Officer) and to delegate to the Deputy Monitoring Officer including, but not limited to, the functions set out in the paragraphs below.

1. To act as the Council's Monitoring Officer, in accordance with the provisions of the Local Government and Housing Act 1989.
2. To administer the Council's process, under the Localism Act 2011, for dealing with complaints of alleged breaches of the Wyre Code of Conduct and following consultation with the Independent Person to decide:
 - (a) To dismiss without further action, any complaint which he/she considers to be frivolous, vexatious, without merit or which otherwise fails to meet the preliminary tests set out in the Council's complaints process.
 - (b) That the complaint does not warrant a formal investigation and that an informal resolution be sought.
 - (c) That the complaint appears to amount to a breach of the Code of Conduct and to arrange for an investigation to be carried out, with the outcome to be reported to the Standards Committee.
 - (d) At the direction of the Standards Committee, when following an investigation, a breach of the Code of Conduct has been found, to agree a local resolution, in consultation with the Independent Person, subject to the complainant being satisfied with the outcome and subject to a summary report being submitted to the Standards Committee.

Executive Functions Delegated to the Legal Services Manager

To discharge any executive function falling within the area of responsibility of the Legal Services Manager including, but not limited to, the functions set out in the paragraphs below.

1. To instruct external solicitors and/or counsel to represent the Council.
2. To review decisions to include land and/or buildings on the Council's List of Assets of Community Value, pursuant to section 92 of the Localism Act 2011 and to review decisions relating to compensation pursuant to section 99 of the Localism Act 2011 in respect of assets of community value.
3. To act as the Senior Responsible Officer for the purpose of Part 11 Regulation of Investigatory Powers Act 2000.
4. To determine exemptions for requests and carry out reviews made under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.
5. To make an application to a Justice of the Peace, in accordance with the Protection of Freedoms Act 2012, seeking an order approving the grant or renewal of a RIPA authorisation or notice and to represent the Council in making such an application.
6. To perform the duties as indicated in the list of executive functions delegated to the Corporate Director Resources, Corporate Director Communities and Corporate Director Environment.
7. To sign and/or seal any documents on behalf of the Council including any agreement, contract, notice, demand, order, or other document.

Non-Executive Functions Delegated to the Legal Services Manager

To discharge any non-executive function falling within the area of responsibility of the Legal Services Manager including, but not limited to, the functions set out in the paragraphs below.

1. To act as the Council's Monitoring Officer.
2. To exercise the powers conferred by the following legislation, and any regulations, orders byelaws or other subsidiary legislation made thereunder and any enactments amending or replacing the same, and to appoint and authorise officers under any of the Statutes which fall within the remit of the Licensing section:
 - (a) Animal Boarding Establishments Act 1963
 - (b) County of Lancashire Act 1984
 - (c) Criminal Justice and Public Order Act 1994
 - (d) Game Act 1831
 - (e) Health and Safety at Work etc. Act 1974
 - (f) Hypnotism Act 1952

- (g) Local Government (Miscellaneous Provisions) Act 1976
 - (h) Local Government (Miscellaneous Provisions) Act 1982
 - (i) Public Health Act 1936
 - (j) Riding Establishments Act 1964
 - (k) Town Police Clauses Act 1847
 - (l) Transport Act 1985
 - (m) Vehicle (Crime) Act 2001
3. To exercise functions under the Licensing Act 2003
4. In relation to the Gambling Act 2005, where no representations have been received or withdrawn:
- (a) To authorise officers pursuant to section 304;
 - (b) To determine applications for premises licenses;
 - (c) To determine applications for variation of premises licenses;
 - (d) To determine applications for transfer of premises licenses;
 - (e) To determine applications for a provisional statement;
 - (f) To determine applications for club gaming or club machine permits;
5. In respect of the Gambling Act 2005 and subordinate legislation:
- (a) Power to exchange information;
 - (b) Power to provide information to the Gambling Commission;
 - (c) Power to exercise functions relating to the registration and regulation of small lotteries.
6. To undertake the following functions in respect of the licensing of sex establishments under the provisions of Part II and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in accordance with the Council's Policy:
- (a) Determining applications for grant, renewal, transfer or variation of a licence where no relevant objections have been received;
 - (b) Cancellation of licence;
 - (c) Enforcement of the provisions of Part II and Schedule 3.
7. To perform the duties as indicated in the list of delegations to the Corporate Director Resources, Corporate Director Communities and Corporate Director Environment.
8. To sign and/or seal any documents on behalf of the Council including any agreement, contract, notice, demand, order, or other document
9. In consultation with the Chief Executive to make orders under s.91 of the Local Government Act 1972.

Executive Functions Delegated to the Head of the Contact Centre

To discharge any executive function falling within the area of responsibility of the Head of the Contact Centre including, but not limited to, the functions set out in the paragraphs below.

1. To administer the calculation and payment of housing benefit and localised council tax support including the award of discretionary housing payments.
2. To authorise the investigation and prosecution of offences pursuant to the Council Tax Reduction Scheme (Detection of Fraud and Enforcement) (England) Regulations 2013 (in consultation with the legal team) and to agree the relevant sanctions and administrative penalties for use in the recovery of any overpayments of housing benefit and council tax support.
3. To take all necessary steps to undertake the calculation, collection, administration and recovery of Council Tax and Non-domestic rates, including the award of reliefs, the granting of discounts and dealing with appeals, in accordance with the Local Government Finance Act 2012, 1992 and 1988 (as amended from time to time) and government regulations and guidance.
4. To impose or quash penalties in accordance with Section 11 of the Local Government Finance Act 1992 (council tax discounts).
5. To make an application to a Justice of the Peace, in accordance with the Protection of Freedoms Act 2012, seeking an order approving a grant or renewal of a RIPA authorisation or notice and to represent to the Council in making such an application.

Executive Functions Delegated to the Head of Governance and Business Support

To discharge any executive function falling within the area of responsibility of the Head of Governance and Business Support including, but not limited to, the functions set out in the paragraphs below.

1. Power to carry out surveillance which is not governed by the Regulation of Investigatory Powers Act 2000 subject to confirmation with the Legal Services Manager and any member of the Council's Management Team.
2. To determine whether or not land and/or property nominated as an 'asset of community value' under the provisions of Part 5, Chapter 3 of the Localism Act 2011 will be included in the Council's list of Assets of Community Value.
3. To submit reports, as the Council's designated Data Protection Officer, to the Information Commissioner's Office on breaches of the General Data Protection Regulations.

Non-Executive Functions Delegated to the Head of Governance and Business Support

To discharge any non-executive function falling within the area of responsibility of the Head of Governance and Business Support including, but not limited to, the functions set out in the paragraphs below.

1. To appoint members to the Independent Remuneration Panel.
2. To appoint Independent Members to the Audit Committee should legislation require this.
3. To convene a panel of any three councillors who are not in the Cabinet and have received the relevant training or can attend the required training before the appeal hearing takes place (and wherever practically possible to ensure that two are from the majority group and one from the minority group) to consider employment appeals in accordance with Council procedures.
4. To convene a panel comprising of any three members of the Licensing Committee to carry out hearings where under Licencing Act legislation it is necessary or appropriate for decisions to be made by a panel or sub-committee rather than the full Licensing Committee.
5. To make minor changes to the Constitution to correct clerical mistakes, make factual amendments (including changes to job titles) to comply with the law or reflect decisions made by or on behalf of the Council (as provided in Article 19.02 of the Constitution).

Executive Functions Delegated to the Head of Planning and Regeneration

To discharge any executive function falling within the area of responsibility of the Head of Planning and Regeneration including, but not limited to, the functions set out in the paragraphs below.

1. To authorise the making of a direction under Article 4 of the Town and Country Planning General Permitted Development Order 1995 after consultation with the relevant Portfolio Holder.
2. To authorise Council employees and other persons acting on behalf of the Council to exercise powers of entry under the National Parks and Access to the Countryside Act 1949, the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990.
3. To be responsible, in consultation with the appropriate Cabinet Portfolio Holder, for all planning matters relating to Neighbourhood Development Plans and Orders under The Neighbourhood Planning (General) Regulations 2012 and the Planning Acts as amended.

The exception is the adoption of a Neighbourhood Development Plan or Order, which is reserved for Full Council.

The Head of Planning and Regeneration shall be free to refer any matter or decision to the appropriate Cabinet Portfolio Holder or to full Cabinet (as appropriate) for determination. The Head of Planning and Regeneration shall ensure that care is taken to identify any case within his/her delegated authority where unusual circumstances or other reasons suggest the desirability of Councillor consideration. To assist in this process, the Cabinet Portfolio holder will be kept up to date of forthcoming decisions on Neighbourhood Planning matters.

Note: An explanatory schedule, setting out the stages in the Neighbourhood Development Plan process at which a decision will need to be taken, is attached as an Appendix to this Scheme of Delegation.

4. To give written and issue community protection notices under the Anti-Social Behaviour, Crime and Policing Act 2014.

Non-Executive Functions Delegated to the Head of Planning and Regeneration

To discharge any non-executive function falling within the area of responsibility of the Head of Planning and Regeneration including, but not limited to, the functions set out in the paragraphs below.

1. To determine of all forms of applications for permission, approval, consent, certificates and prior approvals/notifications, consultations and other determinations made under Town and Country Planning legislation, including legislation relating to listed buildings, conservation areas and hazardous substances, unless:
 - (a) A ward councillor representing the ward within which the application site lies or a ward councillor representing an adjoining ward has requested that the application be considered by the Planning Committee, subject to the request being received by the Head of Planning and Regeneration within 15 working days of the date of the email providing members with a link to the weekly list of planning applications, which includes the planning application requested and;

Note: this exception shall only apply to applications for Planning Permission or Advertisement Consent and does not apply to resubmitted applications where no substantial change has been made to the original application which was refused or withdrawn. Where the councillor requesting the determination by Planning Committee is unable to attend the meeting to speak, consideration of a letter from that councillor will be at the discretion of the Chairman of the Committee.
 - (b) Any such request to the Head of Planning and Regeneration must state the planning reasons for doing so and include confirmation that they do not consider themselves to have a disclosable pecuniary interest relating directly to the Planning Permission or Advertisement Consent.
2. To determine any matter relating to fees arising on applications under the Town and Country Planning Act 1990 subject to compliance with statutory provisions and Council policy.

3. To decline to determine repetitive applications for planning permission under the Town and Country Planning Act 1990, Planning and Compensation Act 1991 and the Town and Country Planning (Control of Advertisements)(England) Regulations 2007.
4. To determine applications for hazardous substances consent under the Planning (Hazardous Substances) Act 1990 and related powers.
5. To determine persons and agencies to be consulted and notified on the making of planning and other applications.
6. To determine whether planning or other applications should be subject to environmental impact assessment and if so, what information should be contained in assessments.
7. To revoke or modify planning permission following consultation with the Chairman or Vice Chairman of Planning Committee under Section 97 of the Town and Country Planning Act 1990.
8. To approve the terms of planning obligations under Section 106 of the Town and Country Planning Act 1990 regulating the use or development of land.
9. To serve building preservation notices.
10. To issue discontinuance notices under the Town and Country Planning (Control of Advertisements) Regulations 2007.
11. To determine, in respect of any report of an alleged breach of planning control, whether or not it is expedient to take formal enforcement action.
12. To issue, vary and withdraw enforcement notices for breach of planning control under the Town and Country Planning legislation.
13. In relation to listed buildings:
 - (a) To issue of listed building enforcement notices;
 - (b) To issue of repairs notices;
 - (c) To Execute urgent works including works in default.
14. To issue stop notices and temporary stop notices.
15. To issue breach of condition notices or planning contravention notices.
16. To Issue completion notices under S94 (2) of the Town and Country Planning Act 1990.
17. To authorise, make and confirm orders under S257 of the Town and Country Planning Act 1990 regarding the stopping up or diverting of footpaths/bridleways, subject to the applicant being responsible for the council's costs and to there being no outstanding objections.
18. To take steps to secure compliance with an enforcement notice either through prosecution, execution of works or by taking any other action under the Town and

Country Planning Act 1990, Building Act 1984 and Planning Listed Buildings and Conservation Areas Act 1990 or any Regulation or orders made thereunder.

19. To apply for injunctions restraining a breach of planning control.
20. To take action, serve notices and enforce any notice served under section 215 Town and Country Planning Act 1990.
21. To authorise rights of entry on land under S196A of the Town and Country Planning Act 1990 in relation to potential breaches of planning control.
22. To issue and serve notices requiring information as to the ownership, occupation and use of any land and to authorise proceedings in the event of non-compliance with any such notice.
23. For the purposes of the Town and Country Planning (Enforcement Notices and Appeals) Procedure, to make a statement as to whether or not the Council would grant planning permission for the development alleged and, if so, on what conditions.
24. To approve, in consultation with the relevant Portfolio Holder, any update to the Local Development Scheme.
25. To comment whenever the Council is consulted by other public authorities or bodies on development proposals.
26. To make comments to the Planning Inspectorate relating to any proposed nationally significant infrastructure project, within or impacting on the Borough when responses are required to be submitted by the Council within 56 days.
27. In cases of urgency, and after consultation with the relevant Portfolio Holder, to authorise the making of a Direction under Article 4 of the Town and Country Planning (General Permitted Development) Order (1995) as amended.
28. To authorise the execution of works in accordance with Section 54(1) of the Planning (Listed Building and Conservation Areas) Act 1990.
29. To issue notices under Section 55 of the Planning (Listed Building and Conservation Areas) Act 1990.
30. To publish an Authorities Monitoring Report.
31. To apply for an injunction in relation to a listed building.
32. To serve listed building preservation notices under S3 and S4 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and related powers.
33. To enter land in Part 2 of the Brownfield Land Register under Regulation 3 of the Town and Country Planning (Brownfield Land Register) Regulations 2017.

Note: the Planning Development Manager is authorised to perform duties set out in paragraphs 1 to 7, 9 to 18 and 20 to 23 of the Non-Executive Functions above, the Principal Planning Officer is authorised to perform duties set out in paragraphs 1, 9 to 18 and 20 to 23

and the Senior Planning Officers are authorised to perform duties set out in paragraph 1 of the Non-Executive Functions above.

Executive Functions Delegated to the Head of Engineering

To discharge any executive function falling within the area of responsibility of the Head of Engineering including, but not limited to, the functions set out in the paragraphs below.

1. Responsibility for relevant tasks and permissive tasks under the Council's residual highways agreement with LCC.
2. To carry out works and place objects and structures on, in or over a highway for the purposes of providing a service for the benefit of the public or a section of the public such as seats, bus stops and shelters under Section 115B of the Highways Act 1980.
3. To take any necessary action under section 25 and 26 of the Local Government (Miscellaneous Provisions) Act 1976 where an excavation is accessible from a highway or place of public resort and is a danger to the public.
4. To arrange for the maintenance of coastal defences, water courses and pumping stations.
5. To exercise powers under the Land Drainage Act 1991.
6. To exercise powers in relation to local flood risk management.
7. To exercise the Council's functions as risk management authority as defined under section 6 of the Flood and Water Management Act 2010.
8. To exercise the Council's functions as designating and responsible authority as defined under Schedule 1 of the Flood and Water Management Act 2010.
9. To serve notices under S25 (maintaining the flow of watercourses) and S28 (cleansing of ditches) of the Land Drainage Act 1991.
10. To arrange maintenance of Fleetwood Ferry Dock and Knott End Landing Stage.
11. To operate the Decriminalised Parking Enforcement System in partnership with LCC and to determine representations and challenges and process appeals.
12. To arrange for the temporary prohibition of traffic on roads and closure of roads.

Non-Executive Functions Delegated to the Head of Engineering

To discharge any non-executive function falling within the area of responsibility of the Head of Engineering including, but not limited to, the functions set out in the paragraphs below.

1. To exercise the powers conferred by the following legislation, and any regulations, orders, byelaws or other subsidiary legislation made thereunder and any enactments amending or replacing the same, and to appoint and authorise officers under any of the Statutes which fall within the remit of the Engineering Section, including appearance in court:

- (a) County of Lancashire Act 1984;
- (b) Highways Act 1980;
- (c) Public Health Act 1936.

2. To make agreements and orders under S25 and S26 of the Highways Act 1980 regarding the creation of public footpaths.

Executive Functions Delegated to the Head of Housing and Community Services

To discharge any executive function falling within the area of responsibility of the Head of Housing and Community Services including, but not limited to, the functions set out in the paragraphs below.

1. To act on behalf of the Council on all matters relating to the discharge of the housing functions of the Council, which include but are not limited to all functions under the provisions of housing legislation, public and private sector housing, homelessness, the administration of grants for improvement and repair of properties and housing strategy.
2. To receive and consider applications for and to approve or refuse to make grants for disabled facilities and discretionary housing assistance.
3. To assess, advise and where appropriate assist (including the award of discretionary housing assistance) all households presenting themselves as homeless or threatened with homelessness in accordance with relevant legislation and guidance.
4. To exercise the Council's responsibilities in relation to the implementation and administration/operation of the Choice Based Lettings Scheme.
5. To implement and exercise powers confirmed by the following legislation and any regulations, orders, byelaws or other subsidiary legislation made thereunder and any enactments amending or replacing the same, including instigating proceedings and authorising officers under any of the Statutes which fall within the remit of housing, buildings, blight and environmental protection:
 - (a) Building Act 1984;
 - (b) Environmental Protection Act 1990;
 - (c) Homelessness Act 2002;
 - (d) Home Energy Conservation Act 1995;
 - (e) Housing Acts 1985, 1988, 1996 and 2004;
 - (f) Housing Grants Construction and Regeneration Act 1989;
 - (g) Housing Health and Safety Rating System Regulations 2005;
 - (h) Houses in Multiple Occupation Regulations 2006;
 - (i) Local Government and Housing Act 1989;
 - (j) Local Government (Miscellaneous Provisions) Act 1982- section 29;
 - (k) Protection from Eviction Act 1977 (as amended by the Housing Act 1988);
 - (l) Public Health Act 1936 and 1961;
 - (m) Regulatory Reform (Housing Assistance) Order 2002.

6. To issue licences and generally to manage the Council's scheme for the selected licensing of private rented accommodation.
7. To consider the implementation of management orders in respect of void properties and empty dwelling management orders in respect of empty homes.
8. To create, review and maintain an advisory list of building contractors for renovation grants.
9. To approve house renovation grants together with making stage and final payments.
10. In consultation with the Corporate Director Resources, the taking of appropriate enforcement action in relation to Statutory Overcrowding, housing standards including requisition for information, the issuing of Improvement notices, Hazard Awareness Notices, Prohibition Orders, Demolition Orders and Minimal Energy Performance Standards. To exercise Power of entry, power to exercise works, power to purchase dwellings found on appeal to be hazardous and beyond repair at reasonable expense.
11. The taking of action in relation to House in Multiple Occupation (HMO) e.g. duty to licence HMOs where specified, power to implement a registration scheme, power to execute work to remove serious hazards or to remedy neglect of management, power to limit number of occupants, making of a Management Order, powers of entry.
12. Under the Redress Schemes for Letting Agency Work and Property Management Work (Requirement to belong to a scheme etc) (England) Order 2014 to set and impose a penalty charge (to a maximum of £5,000); to undertake the service and signing of notices; to consider and determine representations and objections; to recover the mandatory penalty through a certificate.
13. To ensure overall management responsibility for the promotion and proper management of the Wyre Community Lottery and for compliance with the regulatory regime as a whole, including holding a lottery operating licence under the Gambling Act 2005.

Non-Executive Functions Delegated to the Head of Housing and Community Services

1. To issue and serve notices requiring information as to the ownership, occupation and use of any land and to authorise proceedings in the event of non-compliance with any such notice in accordance with s.16 of the Local Government (Miscellaneous Provisions) Act 1976.

Executive Functions Delegated to the Head of Assets

To discharge any executive function falling within the area of responsibility of the Head of Assets including, but not limited to, the functions set out in the paragraphs below.

1. To make appropriate planning applications on behalf of the Council for any Council owned land and property assets where it is considered that a planning permission for an alternative use would be beneficial to the future management or disposal of the assets provided that the cost of making such an application does not exceed £10,000 per individual asset.
2. To negotiate, agree compensation and acquire properties identified by the Council and approved by Cabinet as appropriate for compulsory purchase under all appropriate Acts of Parliament.
3. To negotiate and agree terms for the granting of leases, licences and tenancy agreements to statutory undertakers for the implementation of infrastructure in accordance with their statutory obligations.
4. To agree terms for the granting, acquisition, variation or extinguishment of easements and wayleaves and where necessary to enter into Licences to enter third party land for the purposes of carrying out works.
5. To deal with all tenancy matters, including leases and licences, where the annual market rent or fee is less than £25,000 and the period of the licence or tenancy does not exceed 30 years.
6. To negotiate, agree terms and document all rent and licence fee reviews for all leases and licences granted by the Council, including serving of notices.
7. To take all appropriate action to recover possession of all land and buildings let by the Council in circumstances where the lessee, tenant or licensee has become bankrupt, insolvent or where such other grounds for forfeiture arise.
8. To approve building plans submitted to fulfil covenants previously imposed by the Council.
9. To deal with applications for variation or release of covenants imposed by the Council or its predecessors on the sale of property.
10. With respect to the shared ownership scheme at Jubilee Drive, Cleveleys:
 - (a) To agree the open market value of the properties for subsequent disposals;
 - (b) To instruct the Valuation Office Agency if necessary;
 - (c) To release the resale covenant to complete the purchase of the dwelling within the two month timescale.
11. To negotiate and agree, in consultation with the Corporate Director of Resources, any dilapidation claim arising from a lease or licence either granted by the Council or held by the Council.
12. To take appropriate action on behalf of the Council's market franchise rights including allowing quality rival markets for periods of not more than 14 days in any one year subject to the payment of a negotiated fee.

13. Subject to prior declaration as surplus to requirements, and observing the requirements of Section 123 of the Local Government Act 1972 to obtain the best price that can reasonably be obtained, to approve:
 - (a) The sale of land and buildings of up to £20,000 in any one case;
 - (b) The sale of property by public auction and to determine the reserve price.
14. To determine all applications under the Building Act 1984 for building regulation approval/rejection including applications for relaxation of Regulations and the following:
 - (a) To exercise the functions set out in Part 1 (power to make building regs) and Part 2 (supervision of building work);
 - (b) Section 24 (means of ingress and egress at certain buildings to which the public have access);
 - (c) Section 77 to 83 (dangerous buildings).
15. In consultation with the Legal Services Manager, to take all relevant enforcement actions under Sections 35 & 36 of the Building Act 1984 and in respect of breaches of the Building Regulations.
16. To exercise the functions set out in Sections 77 to 83 of the Building Act 1984 (Dangerous, ruinous and dilapidated buildings and notices in respect of intended demolition) including the authorisation of works in default.
17. To determine charges within the provisions of the Council's Scheme of Charges for Building Regulation Work.
18. To refuse or accept initial notices, final notices or building notices under the Building Act 1984.
19. To issue completion certificates in appropriate circumstances under the Building Regulations.

Non-Executive Functions Delegated to the Head of Assets

To discharge any non-executive function falling within the area of responsibility of the Head of Assets including, but not limited to, the functions set out in the paragraphs below.

1. To issue and serve notices requiring information as to the ownership, occupation and use of any land and to authorise proceedings in the event of non-compliance with any such notice in accordance with s.16 of the Local Government (Miscellaneous Provisions) Act 1976.

Executive Functions Delegated to the Head of Environmental Health and Community Safety

To discharge any executive function falling within the area of responsibility of the Head of Environmental Health and Community including, but not limited to, the functions set out in the paragraphs below.

1. In so far as they are executive functions, to exercise the powers conferred by the following legislation, and any regulations, orders, byelaws or other subsidiary legislation made thereunder and any enactments amending or replacing the same, and to appoint and authorise officers under any of the Statutes, which fall within the remit of the Environmental Health and Community Safety team, including appearance at Court:
 - (a) Animals Act 1971;
 - (b) Animal Health Act 1981;
 - (c) Animal Welfare Act 2006;
 - (d) Anti-social Behaviour, Crime and Policing Act 2014;
 - (e) Breeding and Sale of Dogs (Welfare) Act 1999;
 - (f) Criminal Justice and Police Act 2001 (S 19)
 - (g) Clean Air Act 1993;
 - (h) Control of Pesticides Regulations 1986;
 - (i) Environmental Protection Act 1990;
 - (j) Environment Act 1995 and 2021;
 - (k) Equality Act 2010 (regarding taxi travel);
 - (l) European Communities Act 1972
EU Food Hygiene Regulations / Statutes as retained EU Law under the European (Withdrawal) Act 2018 as amended by the European Union (Withdrawal Agreement) Act 2020
 - (m) Factories Act 1961;
 - (n) Food Act 1984;
 - (o) Food Safety Act 1990;
 - (p) House to House Collections Act 1939;
 - (q) Licensing Act 2003;
 - (r) Local Government Act 1988;
 - (s) Mobile Homes Act 1983;
 - (t) Motor Salvage Operators Regulations 2002;
 - (u) Noise Act 1996;
 - (v) Noise and Statutory Nuisance Act 1993;
 - (w) Pollution Prevention and Control Act 1999;
 - (x) Salmon and Fresh Water Fisheries Act 1923 (Amendment) Act 1964;
 - (y) Slaughter of Poultry Act 1967; and
 - (z) Working Time Regulations 1998.
2. To exercise the provisions of an issue notices under Sections 43 and 48 of the Anti-Social Behaviour 2003.
3. Power to carry out surveillance which is not governed by the Regulation of Investigatory Powers Act 2000 subject to confirmation with the Legal Services Manager and any member of the Council's Corporate Management Team.
4. Power to carry out surveillance which is governed by the Regulation of Investigatory Powers Act 2000 as agreed by an authorising officer.
5. To make an application to a Justice of the Peace, in accordance with the Protection of Freedoms Act 2012, seeking an order approving the grant or renewal of a RIPA authorisation or notice and to represent the Council in making such an application.

6. To issue simple cautions for Adult Offenders under guidance effective from 13 April 2015.
7. To give written and issue community protection notices under the Anti-Social Behaviour, Crime and Policing Act 2014.

Non-Executive Functions Delegated to the Head of Environmental Health and Community Safety

To discharge any non-executive function falling within the area of responsibility of the Head of Environmental Health and Community including, but not limited to, the functions set out in the paragraphs below.

1. In so far as they are non-executive functions, to exercise the powers conferred by the following legislation, and any regulations, orders, byelaws or other subsidiary legislation made thereunder and any enactments amending or replacing the same, and to appoint and authorise officers under any of the Statutes, which fall within the remit of the Environmental Health and Community Safety team, including appearance at Court:
 - (a) Animal Boarding Establishments Act 1963;
 - (b) Breeding of Dogs Act 1973;
 - (c) Breeding of Dogs Act 1991;
 - (d) Building Act 1984;
 - (e) Caravan Sites Act 1968;
 - (f) Caravan Sites and Control of Development Act 1960;
 - (g) Clean Air Act 1993;
 - (h) Clean Neighbourhoods and Environment Act 2005;
 - (i) Control of Pollution Act 1974;
 - (j) County of Lancashire Act 1984;
 - (k) Criminal Justice and Public Order Act 1994;
 - (l) Dangerous Dogs Act 1991;
 - (m) Dangerous Wild Animals Act 1976;
 - (n) Deer Act 1991;
 - (o) Environmental Protection Act 1990;
 - (p) Environmental Act 1995 and 2021;
 - (q) European Communities Act 1972 (re enforcement of the European Food Hygiene Regulations;
 - (r) EU Food Hygiene Regulations / Statutes as retained EU Law under the European (Withdrawal) Act 2018 as amended by the European Union (Withdrawal Agreement) Act 2020
 - (s) Food and Environment Protection Act 1985;
 - (t) Food Safety Act 1990;
 - (u) Gambling Act 2005;
 - (v) Game Act 1831;
 - (w) Guard Dogs Act 1975;
 - (x) Health Act 2006 and 2009;
 - (y) Health and Safety at Work Act 1974;
 - (z) Hypnotism Act 1952;
 - (aa) Licensing Act 2003;
 - (bb) Local Government and Housing Act 1989;
 - (cc) Local Government (Miscellaneous Provisions) Act 1976;

- (dd) Local Government (Miscellaneous Provisions) Act 1982;
- (ee) Materials and Articles in Contact with Food Regulations 2012;
- (ff) Mobile Homes Act 1983 and 2013;
- (gg) National Assistance Act 1948;
- (hh) Noise and Statutory Nuisance Act 1993;
- (ii) Offices, Shops and Railway Premises Act 1963;
- (jj) Pet Animals Act 1951;
- (kk) Poisons Act 1972;
- (ll) Police, Factories etc. (Miscellaneous Provisions) Act 1916;
- (mm) Prevention of Damage by Pests Act 1949;
- (nn) Public Health Act 1936;
- (oo) Public Health Act 1961;
- (pp) Public Health (Control of Diseases) Act 1984;
- (qq) Rehabilitation of Offenders Act 1974 (in relation to enforcement of taxi licensing);
- (rr) Riding Establishments Act 1964;
- (ss) Riding Establishments Act 1970;
- (tt) Scrap Metal Dealers Act 2013;
- (uu) Slaughterhouses Act 1974;
- (vv) Sunday Trading Act 1994;
- (ww) Town Police Clauses Act 1847;
- (xx) Transport Act 1985;
- (yy) Vehicles (Crime) Act 2001;
- (zz) Water Industry Act 1991;
- (aaa) Water Resources Act 1991;
- (bbb) Zoo Licensing Act 1981.

2. To determine any action in accordance with the Policy for Taxi Licensing Enforcement.
3. After consultation with the Chairman of Licensing Committee, to revoke or suspend licences relating to hackney carriages, private hire vehicles, their operators or drivers.
4. To issue and serve notices requiring information as to the ownership, occupation and use of any land and to authorise proceedings in the event of non-compliance with any such notice.
5. To exercise functions under the Licensing Act 2003.

Executive Functions Delegated to Revenues Manager and Senior Compliance Officers

To discharge any executive function falling within the area of responsibility of the Revenues Manager and Senior Compliance Officers including, but not limited to, the functions set out in the paragraphs below.

1. To make an application to a Justice of the Peace, in accordance with the Protection of Freedoms Act 2012, seeking an order approving the grant or renewal of a RIPA authorisation or notice and to represent the Council in making such an application.

2. Power to carry out surveillance which is not governed by the Regulation of Investigatory Powers Act 2000 subject to confirmation with the Legal Services Manager and any member of the Corporate Management Team.
3. Power to carry out surveillance which is governed by the Regulation of Investigatory Powers Act 2000 as agreed by an authorising officer.

Non-Executive Functions Delegated to the Partnership Officer (CCTV) and in their absence to the Manager of Environmental Protection and Community Safety

To discharge any non-executive function falling within the area of responsibility of the Partnership Officer (CCTV) including, but not limited to, the function set out in the paragraph below.

1. Officers must always ensure that prior to the purchasing, installing or modifying of any council CCTV system, approval and/or sign off must have been sought from the council's Partnership Officer (CCTV).

APPENDIX TO PARAGRAPH 3 OF THE EXECUTIVE FUNCTIONS DELEGATED TO THE HEAD OF PLANNING AND REGENERATION SERVICES RELATING TO NEIGHBOURHOOD PLANNING

Explanatory Schedule – expected stages where a decision will be required

Decision Required	Process to be undertaken	Proposed Scheme of Delegation	Comments
<p>Designation of a Neighbourhood Forum</p> <p><i>(Neighbourhood Planning Regulations 2012 - Regulations 9 -10 as amended 2016)</i></p>	<p>Following receipt of the Neighbourhood Forum application, the local planning authority will undertake a six week consultation on the application.</p> <p>Representations submitted to the consultation will be considered when determining the application.</p> <p>The following time limits apply for determining a Neighbourhood Forum Application depending upon circumstances:</p> <ul style="list-style-type: none"> • 6 week consultation with a further 14 weeks to make a decision (20 week overall limit) – this applies when the Neighbourhood Forum Application falls within two or more local planning authorities. • 6 week consultation with a further 7 weeks to make a decision (13 week overall 	<p>Decision to designate the Neighbourhood Forum is delegated to the Head of Planning and Regeneration Services, unless objections are received and not withdrawn, in which case the decision will be made by the Cabinet Portfolio Holder.</p>	<p>This stage would only apply for non-parished areas that are undertaking Neighbourhood planning.</p>

	limit) – this applies in all other cases.		
<p>Designation of a Neighbourhood Area</p> <p><i>(Neighbourhood Planning Regulations 2012 - Regulations 5A, 6 -7, as amended 2015 and 2016)</i></p>	<p>Following receipt of the Neighbourhood Area application, the local planning authority will undertake a consultation on the application.</p> <p>Representations submitted to the consultation will be considered when determining the application.</p> <p>The following time limits apply for determining a Neighbourhood Area Application depending upon circumstances:</p> <ul style="list-style-type: none"> • 6 week consultation with a further 7 weeks to make a decision (13 week overall limit) – this applies when the Neighbourhood Area Application does not relate to the whole parish (and does not cover more than one local planning authority) or where the application is submitted by a Neighbourhood Forum; • 6 week consultation with a further 14 weeks to make a decision (20 week overall limit) – this applies when the Neighbourhood Area 	<p>Decision to designate the Neighbourhood Area is delegated to the Head of Planning and Regeneration Services, unless a consultation stage is required and objections are received and not withdrawn, in which case the decision will be made by the Cabinet Portfolio Holder.</p>	<p>The majority of Neighbourhood Area applications are expected to be straightforward and submitted by a Parish/Town Council for the whole parish. For such applications, there is a default approval of the Neighbourhood Area unless some or all of the proposed area has already been designated or pending determination through a separate proposal.</p> <p>For other applications as the majority of Neighbourhood Area Applications are not expected to be controversial, the proposed scheme of delegation will make it easier for the local planning authority to meet the target dates and also prevent unnecessary delay in the local planning authority issuing a decision.</p>

	<p>Application falls within two or more local planning authorities.</p> <p>Where a Neighbourhood Area application is submitted by a parish council for the whole of the parish council's administrative area, consultation on the application is not required, the local planning authority will designate the Neighbourhood Area in accordance section 61G of the 1990 Town and Country planning Act</p>		
<p>Signing off the local planning authority's representations on the pre submission draft</p> <p><i>Note: This is not a regulatory requirement but is considered best practice</i></p>	<p>The qualifying body is required to notify the local planning authority of the pre submission consultation. It is considered best practice for the local planning authority to submit representation at the pre submission stage to assist in Plan preparation.</p>	<p>Decision delegated to the Head of Planning Services and Regeneration, unless in his/her opinion the draft Plan and its content is considered to be controversial or of significant public interest in which case the decision will be made by the Cabinet Portfolio Holder.</p>	<p>The majority of Plans are not expected to be controversial and the aim of the local planning authority submitting comments on the pre submission draft is to assist the qualifying body in finalising the submission version for examination. It will also highlight potential areas for improvement to assist in the operation of the adopted Plan.</p>
<p>Publicising the Plan Proposal or modification proposal and submission to examination</p> <p><i>(Neighbourhood Planning Regulations 2012 - Regulations 16 -17 as amended 2017 and 2018)</i></p>	<p>The local planning authority is required to publicise the submission version when it is satisfied that the Plan submitted is valid and should be accepted and publicised.</p>	<p>Decision delegated to the Head of Planning Services and Regeneration, unless in his/her opinion the draft Plan is invalid and should not be published, in which case the decision will be made by the Cabinet Portfolio Holder.</p>	<p>The local planning authority need to check that the submission Plan accords with the requirements set out in regulation 15 of the Neighbourhood Planning Regulations 2012 as amended 2017 and 2018.</p>

<p>Signing off the local planning authority's representations on the submission draft</p> <p><i>Note: This is not a regulatory requirement but is considered best practice</i></p>	<p>It is considered best practice for the local planning authority to submit representation at the submission stage.</p>	<p>Decision delegated to the Head of Planning Services and Regeneration, unless in his/her opinion the draft Plan and its content is considered to be controversial or of significant public interest in which case the decision will be made by the Cabinet Portfolio Holder.</p>	<p>The majority of Plans are not expected to be controversial. The local planning authorities' representations on the submission Plan will be considered by the independent examiner and representation should address any outstanding areas or concern, this can also include support for the proposals.</p>
<p>Whether the local planning authority declines or accepts a repeat proposal</p> <p><i>(Schedule 4B of the Town & Country Planning Act 1990)</i></p>		<p>Decision delegated to the Head of Planning Services and Regeneration, unless it is recommended that the repeat proposal should be declined, in which case the decision will be made by the Cabinet Portfolio Holder.</p>	<p>A repeat proposal is one where in the last two years, the local planning authority has refused to take forward a Plan or Order to referendum after examination or where a Plan or Order has failed at referendum.</p>

<p>Appointment of an examiner <i>(Schedule 4B of the Town & Country Planning Act)</i></p>	<p>A suitably qualified independent examiner should be appointed in consultation with the relevant qualifying body.</p>	<p>Decision delegated to the Head of Planning Services and Regeneration, unless the qualifying body objects to the appointment and the objection is not withdrawn, in which case the decision will be made by the Cabinet Portfolio Holder.</p>	<p>Appointment of an examiner is undertaken in consultation with the relevant qualifying body and an objection is not envisaged.</p>
<p>Actions to take following receipt of an Examiner's report and consideration of modifications. <i>(Schedule 4B of the Town & Country Planning Act 1990)</i></p>	<p>On receipt of the examiner's report, the local planning authority will have to consider the recommendations of the examiners' report, including whether the Plan meets the basic conditions and whether it can proceed to referendum.</p>	<p>Decision delegated to the Head of Planning Services and Regeneration, unless in his/her opinion the draft Plan and its content is considered to be controversial or of significant public interest in which case the decision will be made by the Cabinet Portfolio Holder.</p>	<p>It is envisaged that officers' and the qualifying body will have to jointly consider the recommendations. It will be the local planning authority's decision whether the Plan proceeds to referendum.</p>
<p>Whether to make (adopt) a Neighbourhood Development Plan or Order following Referendum <i>(Section 38A of the Planning & Compulsory Purchase Act 2004)</i></p>	<p>Adopting the neighbourhood plan/order as part of the Development Plan is a decision that has to be taken by Full Council.</p>	<p>The decision is reserved for Full Council.</p>	<p>Decisions of this nature are reserved for Full Council. The Council needs to determine whether the 'making' of the Plan would be in breach, or otherwise be incompatible with any EU or human rights obligations.</p>