

Borough Council of
**King's Lynn &
West Norfolk**



Cabinet

Agenda

Tuesday, 24th May, 2016
at 5.30 pm

in the

Meeting Rooms 1-3
King's Court
Chapel Street
King's Lynn



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CABINET AGENDA

DATE: CABINET - TUESDAY, 24TH MAY, 2016

VENUE: MEETING ROOMS 1-3, KING'S COURT, CHAPEL STREET. KING'S LYNN PE30 1EX

TIME: 5.30 pm

As required by Regulations 5 (4) and (5) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 - Items 15 & 18 below will be considered in private.

Should you wish to make any representations in relation to the meeting being held in private for the consideration of the above item, you should contact Democratic Services

1. MINUTES

To approve the Minutes of the Meeting held on 5 April 2016 (previously circulated).

2. APOLOGIES

To receive apologies for absence.

3. URGENT BUSINESS

To consider any business, which by reason of special circumstances, the Chairman proposes to accept, under Section 100(b)(4)(b) of the Local Government Act 1972.

4. DECLARATIONS OF INTEREST

Please indicate if there are any interests which should be declared. A

declaration of an interest should indicate the nature of the interest (if not already declared on the Register of Interests) and the agenda item to which it relates. If a disclosable pecuniary interest is declared, the member should withdraw from the room whilst the matter is discussed.

These declarations apply to all Members present, whether the Member is part of the meeting, attending to speak as a local Member on an item or simply observing the meeting from the public seating area.

5. CHAIRMAN'S CORRESPONDENCE

To receive any Chairman's correspondence.

6. MEMBERS PRESENT UNDER STANDING ORDER 34

To note the names of any Councillors who wish to address the meeting under Standing Order 34.

7. CALLED IN MATTERS

To report on any Cabinet Decisions called in.

8. FORWARD DECISIONS (Pages 6 - 8)

A copy of the Forward Decisions List is attached.

9. MATTERS REFERRED TO CABINET FROM OTHER BODIES

To receive any comments and recommendations from other Council bodies. Copies of any comments made will be circulated as soon as they are available.

10. STATEMENT OF COMMUNITY INVOLVEMENT (Pages 9 - 36)

11. CHILD PROTECTION POLICY (Pages 37 - 74)

12. OUTSIDE BODIES APPOINTMENTS FOR CABINET 2016-17 (Pages 75 - 80)

13. CONSTITUTIONAL UPDATES (Pages 81 - 187)

14. EXCLUSION OF THE PRESS AND PUBLIC

EXCLUSION OF PUBLIC

The Cabinet is asked to consider excluding the public from the meeting under section 100A of the Local Government Act 1972 for consideration of the items below on the grounds that they involve the likely disclosure of exempt information as defined by paragraph 3 of Part 1 of Schedule 12A to the Act,

and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

PRIVATE ITEM

Details of any representations received about why the following reports should be considered in public will be reported at the meeting.

15. **AFFORDABLE HOUSING INVESTMENT: THROUGH A LOCAL WHOLLY OWNED HOUSING COMPANY** (Pages 188 - 217)
16. **CONTRACT FOR CALL ALARM MONITORING** (Pages 218 - 219)
17. **BUSINESS RATE HARDSHIP RELIEF APPLICATION** (Pages 220 - 225)
18. **CONVERSION OF OFFICE SPACE TO SELF CONTAINED RESIDENTIAL ACCOMMODATION** (Pages 226 - 237)

To: Members of the Cabinet

Councillors A Beales (Vice-Chairman), R Blunt, N Daubney, A Lawrence, B Long (Chairman), Mrs K Mellish and Mrs E Nockolds

Deputies: Councillors P Colvin, I Devereux, P Hodgson, G Middleton, Mrs S Squire, Mrs J Westrop, Mrs A Wright.

For Further information, please contact:

Sam Winter, Democratic Services Manager 01553 616327
Borough Council of King's Lynn & West Norfolk
King's Court, Chapel Street
King's Lynn PE30 1EX

FORWARD DECISIONS LIST

Date of meeting	Report title	Description of report	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
24 May 2016	The Statement of Community Involvement		Non	Cabinet	Development Exec Director G Hall		Public
	Affordable Housing Company		Non	Cabinet	Housing & Community Chief Executive		Public
	Devolution – will go direct to Council		Key	Council	Leader Chief Executive		Public
	Contract for Call Alarm Monitoring		Key	Cabinet	Housing & Community Exec Dir – D Gates		Public
	Business Rates Hardship Relief Application		Non	Cabinet	Leader Asst Director – L Gore		Private- Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority)
	Outside Bodies appointments 2016/17		Non	Cabinet	Leader Exec Director – D Gates		Public
	Conversion of office space to self-contained residential accommodation		Non	Cabinet	Housing & Community Chief Executive		Private- Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority)
	Child Protection Policy Update		Non	Council	Human Resources Exec Dir – D Gates		Public
	Updates to Constitution		Key	Council	Leader Chief Executive		Public

Agenda Item 8

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Date of meeting	Report title	Description of report	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
28 June 2016	Electoral Review		Key	Council	Leader Chief Executive		Public
	Asset Management : Land with Development Potential		Key	Council	Regeneration Exec Dir – C Bamfield		Private- Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority)
	RIPA Policy Review		Non	Council	Community Chief Executive		Public
7	NORA Joint Venture – Phase 3		Key	Council	Regeneration Chief Executive		Public
	Major Housing Project		Key	Cabinet	Regeneration Chief Executive		Public
	Planning Scheme of Delegation		Non	Council	Development Exec Dir – G Hall		Public

Date of meeting	Report title	Description of report	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
2 August 2016	HLF Heritage Grants – Guildhall Complex		Key	Cabinet	Culture Exec Dir – C Bamfield		Public

Date of meeting	Report title	Description of report	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
7 September 2016							

Date of meeting	Report title	Description of report	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
25 October 2016							

Date of meeting	Report title	Description of report	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
6 December 2016							

REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards	Mandatory	Be entirely within Cabinet's powers to decide		YES/ NO
		Need to be recommendations to Council		YES/NO
		Is it a Key Decision		YES/NO
Lead Member: Cllr Blunt E-mail: cllr.Richard.Blunt@West-Norfolk.gov.uk		Other Cabinet Members consulted: All		
		Other Members consulted: LDF Task Group		
Lead Officer: Stuart Ashworth/ Alan Gomm E-mail: stuart.ashworth@west-norfolk.gov.uk alan.gomm@west-norfolk.gov.uk Direct Dial: 6417 / 6236		Other Officers consulted: Management Team		
Financial Implications YES/NO	Policy/Personnel Implications YES/NO	Statutory Implications YES/NO	Equal Impact Assessment YES/ NO If YES: Pre-screening/ Full Assessment	Risk Management Implications YES/NO

Date of meeting: 24 May 2016

KINGS LYNN & WEST NORFOLK STATEMENT OF COMMUNITY INVOLVEMENT (MAY 2016)

Summary

The Statement of Community Involvement (SCI) is a document which outlines how the Council will consult with the public as part of the Local Plan process, on Planning Applications, and also on Neighbourhood Plans.

Recommendation

That Cabinet recommend to Council that

1. the Statement of Community Involvement be made available for consultation for a period of 6 weeks. Comments received by the public will be considered by the Executive Director - Environment and Planning, and Portfolio Holder Cllr Blunt.
2. Following the consultation period, delegated powers are given to the Portfolio Holder Cllr Blunt to adopt the SCI on behalf of the Council.

Reason for Decision

To ensure that the Borough Council has an up-to-date Statement of Community Involvement adopted, to inform the next stages of the Local Plan review and planning application process.

1. Background

- 1.1 The Council adopted an SCI in 2006. This review of the Council's SCI takes account of the recent changes in legislation and policy. Planning legislation sets

out a number of statutory requirements with respect to consultation on planning policy documents and planning applications. The SCI sets out how the Council will meet these requirements along with the additional activities the Council will undertake to involve people in the planning system.

- 1.2 The Localism Act 2011 also sets out a 'duty to co-operate'. It is a requirement that the Council engage with neighbouring Councils and other statutory bodies to consider joint approaches to plan-making. The Council is committed to meeting this duty and intends to work closely with neighbouring authorities, other partner organisations and stakeholders.
- 1.3 The revised SCI is required to go out to consultation for 6 weeks, to give stakeholders and the local community the opportunity to comment upon the document.
- 1.4 It is proposed that those comments will then be considered by the Executive Director - Environment and Planning and the portfolio holder, with the intention that the document is amended if required and then adopted via delegated powers.

2. Options Considered

- 2.1 It was important that the document was revised to bring it up to date. The previous document was more detailed and complex and so has dated quickly, with the new version also being much clearer.
- 2.2 In terms of the consultation proposed, much of this is a statutory requirement.

3. Policy Implications

- 3.1 The SCI, once adopted, will set out the consultation standards and requirements for the Council, stakeholders and the community. It will sit alongside the Local Plan, as part of the suite of documents which make up and inform the development plan.

4. Financial Implications

- 4.1 None directly arising from this report; however the consultation methods described will require resources. There are existing budgets for this as they are an ongoing cost.

5. Personnel Implications

- 5.1 None directly arising from this report.

6. Statutory Considerations

- 6.1 The SCI is a document required by planning legislation, and much of the consultation we do carry out is also specified in legislation and guidance.

7. Equality Impact Assessment (EIA)

7.1 Pre-screening report attached.

8. Risk Management Implications

8.1 If the SCI was too onerous, then it has the ability to overcomplicate the processes, and could result in delays or an increased amount of resources required.

8.2 The Council must follow the minimum requirements, in line with legislation, to ensure we would not be vulnerable to legal challenge on any of our documents/ processes.

8.3 The Council clearly would not want to set out standards for consultation, which we are then unable to follow/ adhere to. We will monitor the content of the document and review it if required.

9. Declarations of Interest / Dispensations Granted

9.1 None advised as of 27 April 2016

10. Background Papers

Statement of Community Involvement (adopted Jan 2007) (Available at <http://www.west-norfolk.gov.uk/pdf/Full1.pdf>)

Appendix

1. Draft Statement of Community Involvement (April 2016)



**Pre-Screening Equality Impact
Assessment**

Name of policy	Statement of Community Involvement				
Is this a new or existing policy/ service/function?	New				
Brief summary/description of the main aims of the policy/service/function being screened. Please state if this policy/service rigidly constrained by statutory obligations	Update of existing policy document setting out how the Council will consult when carrying out its planning functions. The policy is constrained by statutory provisions, as much consultation is legally required.				
Question	Answer				
<p>1. Is there any reason to believe that the policy could have a specific impact on people from one or more of the following groups according to their different protected characteristic, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</p> <p>Please tick the relevant box for each group.</p> <p>NB. Equality neutral means no negative impact on any group.</p>		Positive	Negative	Neutral	Unsure
	Age			x	
	Disability			x	
	Gender			x	
	Gender Re-assignment			x	
	Marriage/civil partnership			x	
	Pregnancy & maternity			x	
	Race			x	
	Religion or belief			x	
	Sexual orientation			x	
	Other (eg low income)			x	
Question	Answer	Comments			
2. Is the proposed policy/service likely to affect relations between certain equality communities or to damage relations between the equality communities and the Council, for example because it is seen as favouring a particular community or denying opportunities to another?	No				
3. Could this policy/service be perceived as impacting on communities differently?	No				
4. Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?	No				
<p>5. Are any impacts identified above minor and if so, can these be eliminated or reduced by minor actions? If yes, please agree actions with a member of the Corporate Equalities Working Group and list agreed actions in the comments section</p>	Yes / No	Actions: NA			
		Actions agreed by EWG member:			
Assessment completed by: Name Stuart Ashworth					
Job title Assistant Director – Environment & Planning	Date 28/4/2016				

King's Lynn and West Norfolk Borough Council

Draft Statement of
Community Involvement

Local Plan and
Planning Applications

April 2016

Contents

1. Introduction

- What is planning?
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- Our approach to community involvement
- General principles of planning consultations
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2. Local Plan

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- How we will consult
- When we will consult
- Key stages required in the preparation of Local Plan documents and when you will be involved
- Register your details

3. Community involvement in planning application decisions

- Types of planning applications
- The role of the Council
- The role of the applicant/ agent
- Planning application process
- Decision making process

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Appendices

1. Consultation Bodies
2. Material and Non material Considerations

Introduction

The Statement of Community Involvement (SCI) is a 'code of practice' describing how and when the Council intends to involve local communities in planning for the future of the borough through:

- The preparation of the Local Plan and other planning policy documents; and
- The determination of planning applications.

The Council adopted a Statement of Community Involvement (SCI) in 2006. This review of the Council's Statement of Community Involvement takes account of the recent changes in legislation and policy. Planning legislation sets out a number of statutory requirements with respect to consultation on planning policy documents and planning applications. The Statement of Community Involvement sets out how the Council will meet these requirements along with the additional activities the Council will undertake to involve people in the planning system.

The Localism Act 2011 also sets out a 'duty to co-operate'. It is a requirement that the Council engage with neighbouring Councils and other statutory bodies to consider joint approaches to plan-making. The Council is committed to meeting this duty and intends to work closely with neighbouring authorities, other partner organisations and stakeholders.

What is planning?

The planning system affects everybody who lives in, works in or visits a place. It has to balance competing land uses, shaping places by setting out the vision for how communities will change. By achieving greater levels of community engagement in the planning process, local communities, stakeholders and other organisations can contribute more to the shaping of their local environment.

Most new buildings, major changes to existing buildings (including their use) or significant changes to the local environment need consent – known as planning permission. Without a planning system anyone could construct buildings or use land in any way they wanted, no matter what effect this would have on other people in the area.

King's Lynn and West Norfolk Borough Council, as your local planning authority, is responsible for deciding whether a development – anything from an extension on a house to a new shopping centre – should go ahead. In determining planning applications, the Government requires local planning authorities to have regard to the Local Plan. This is a collection of documents which set out the planning policies that will shape the future of King's Lynn and West Norfolk.

The King's Lynn and West Norfolk Local Plan is made up of the Core Strategy (adopted 2009), and the Site Allocations and Development Management Policies Plan (anticipated adoption Sept 2016). The subsequent review of the Local Plan will commence in late 2016.

The role of the Council

Planning Policy Team

This team is responsible for producing the documents, evidence base and studies that make up the Local Plan. They organise and lead consultation exercises on draft planning documents, consider responses and propose any subsequent amendments to the final documents. They also lead on Neighbourhood Plans, supporting the local communities in the production and adoption of their Plans.

Planning Control

This team assesses planning applications in accordance with the adopted development plan, and other relevant material considerations such as the National Planning Policy Framework. This includes consultation responses and comments from the public. The Conservation Team are part of the Planning Control Team and are responsible for the protection and management of historic assets within the District, such as listed buildings. They are responsible for assessing listed building applications.

The role of Councillors

Elected local Councillors have a key role to play in the planning process:

- Councillors attend committees and working groups to help review which planning policies the Council should pursue, ensure that they are carried out and monitor services provided to ensure that they are delivered in the most efficient and effective way.
- Planning Control Committee and Sub-Committees, made up of a number of Councillors, who make decisions on individual planning applications.
- Voicing support, commenting on, or raising objection to, planning applications in writing, or by speaking on the behalf of residents, at Planning Committees.
- Members will work together with officers in the preparation and development of any documents produced by the Council.

The role of local Councillors in representing the views and concerns of residents is very important in the planning process.

Our approach to community involvement

When the Council involve you in preparing the Local Plan or consult you on a planning application the Council will:

- Ensure the process is simple by writing in plain English and explaining any planning terms that are used.
- Communicate clearly by explaining the reasons why the Council want to involve you and gather your comments.
- Make it easy for you to get involved by explaining when and where you can provide your views.
- The Council will make public events as accessible as possible for all

groups, taking into account the time and potential cost of attending, and making use of existing community involvement networks and groups.

- Share information with you on the Council's website, at Council offices and in local libraries.
- Use a range of cost effective delivery methods to ensure all individuals and groups have the opportunity to be involved.
- Be clear about the results by summarising the responses received and provide feedback on how these have been considered ensuring transparency and consistency.

General principles of planning consultation

We will apply some general principles to our planning consultations:

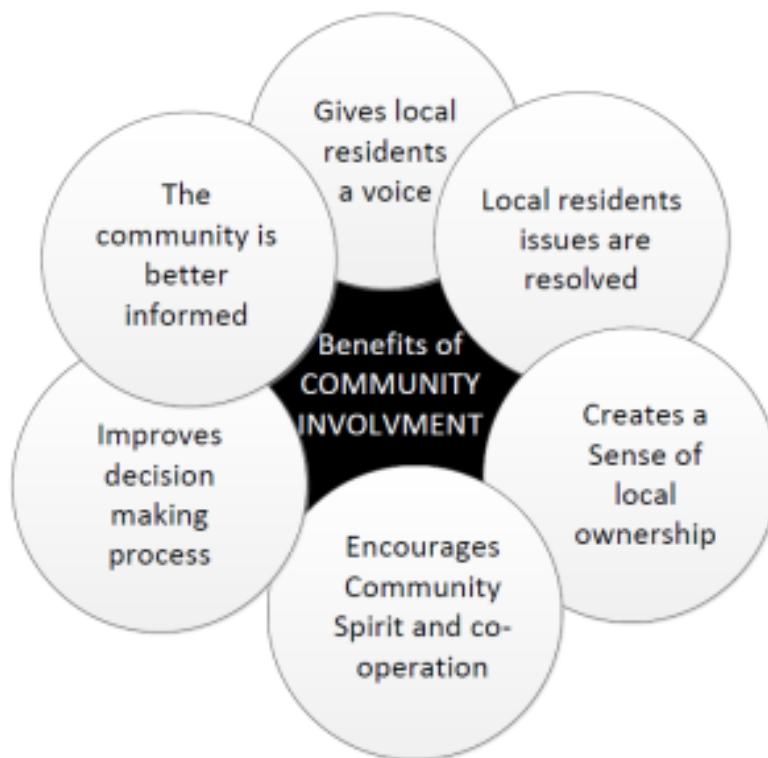
- Involvement will be open to all regardless of gender, faith, race, disability, sexuality, age, rural isolation and social deprivation.
- Comments will be rejected where they are defamatory, obscene, racist or otherwise likely to cause offence.
- We will seek views of interested and affected parties as early as possible.
- We will select consultation processes by balancing cost and time constraints, community impact and our level of discretion on the outcome.
- Consultation publications will be clear and concise and avoid unnecessary jargon, without understating the complexities of any decision.

How can I be involved in the planning process?

You can get involved in planning decisions affecting you and your community by:

- Having your say during public consultation periods for the Local Plan.
- Having your say on planning applications affecting your community.
- Reporting planning control breaches (such as a neighbour building a large extension to their home without planning consent).
- Taking part in any neighbourhood planning initiatives proposed by your Parish or Town Council.

Benefits of community involvement



DRY

2. Local Plan

This section outlines how the Council will involve you in the preparation of planning policy documents such as the Local Plan.

The Local Plan forms the statutory development plan for the Borough and sets out the strategy and policies that guide development in the area. Planning applications for development must be in conformity with the Local Plan unless material considerations indicate otherwise. The Local Plan may consist of one document or a number of documents.

It is periodically reviewed or added to, in order to keep it up-to-date. The Council maintains a database of residents and other stakeholders who have asked to be kept informed on the Local Plan. From time-to-time we will contact you to see if you still wish to be involved. If we ask if you want to be kept on the database but receive no reply, then your details will be removed from the database. This is to make sure that we only consult interested parties.

Local Plans must be supported by evidence and generally accord with national policies. Current planning legislation sets out minimum requirements for a formal consultation process but does allow some flexibility for each Local Authority to decide how best to engage stakeholders. The Council is committed to wide community engagement, including working in close partnership with Parish Councils.

During the final stage of production, the documents are submitted to the Government and an independent Planning Inspector then carries out an Examination into the document, considering the views of interested people. The Inspector will produce a report making recommendations to the local authority.

Who we will consult

- Statutory organisations including the County Council, neighbouring councils, infrastructure providers and government bodies as legally required or otherwise appropriate
- Organisations representing local geographical, economic, social and other communities or other relevant interests
- Local businesses, voluntary and other organisations
- Others who have expressed an interest in the subject matter
- The general public, via the Council's website

How we will consult

The Council want to give everyone the chance to have their say on emerging Local Plan documents and other planning policy documents. A variety of consultation methods will be used during consultations, taking into consideration the issues being consulted on and the needs of the audience.

It is important that barriers which prevent people from taking part in public

consultation are overcome, as some sections of the community may be difficult to reach using standard consultation techniques. The Council will continue to develop its understanding of different consultation techniques over time and learn from what works, and what doesn't. A variety of methods has and will be used during consultations, taking into consideration the issues being consulted on and the needs of the audience. The Council will endeavour in future consultations to increase the use of social media (e.g. Twitter) where possible to help access "hard to reach" groups, especially the younger population. The Council will also continue to use more traditional methods of consultation to include those without access to the internet.

The Council acknowledge the importance of making public consultation arrangements as extensive as possible to make sure the public can get their voice heard. However, it is not always possible or appropriate to undertake consultations using all the methods listed. The Council will endeavour to carry out consultation as appropriate to the nature of the plan/policy or proposal. Involvement will be open to all those who wish to be involved regardless of gender, race, disability, sexual orientation, age, rural isolation, social deprivation and social background. At any consultation stage the Council will comply with the minimum legal requirements for consultation but will seek to go beyond these requirements where time and resources allow. Consultation exercises need to gather the views of a cross-section of the local population so as many people as possible are encouraged to get involved. Local residents can offer unique knowledge and understanding of an area, including historic information for towns and villages and can be aware of important local issues.

The Council will make use of existing partnerships that already operate and engage effectively with important groups in the local area. This includes the valuable work of community and voluntary groups. Government Regulations also require that certain groups are consulted at key stages in the production of Local Plan documents; these include groups such as Historic England and the Environment Agency. These are known as statutory consultees. In addition, the Council is required to invite comments from other general consultation bodies it considers appropriate. A list of the existing organisations the Council contacts at key consultation stages can be found in the Appendix 1.

Town and Parish Councils are key partners in the planning application and plan making process. Co-operation with these bodies represents an important element in the Council's approach to community involvement. The role of Town and Parish Council has become increasingly important through the introduction of Neighbourhood Planning. More details of Neighbourhood Planning can be found on page 20 of this document and on the Council's website. We will

endeavour to use a range of approaches as necessary. These are set out in the following list:

- Public exhibitions in accessible, community locations give the public the chance to look at plans and proposals and talk to planning officers in an informal environment.
- Emails and letters - If your details are held on our consultation database, we will inform you by e-mail or letter of upcoming consultations.
- Social media - Opportunities to use these methods will be explored further.
- Public notices and press releases.
- Public exhibitions
- Workshops - Workshops can provide an inclusive, interactive approach to gathering the views of a local community, helping to provide an opportunity to participate for those who prefer to discuss issues. Workshops can also be used to target specific groups such as young people or other hard-to-reach groups.

The Council will also endeavour to ensure that events such as workshops and public exhibitions will be held in accessible locations and at appropriate times.

- We will contact appropriate organisations and individuals directly
- All consultation documents will be made available for download on the Council's website: www.west-norfolk.gov.uk
- We will publicise consultations using a range of methods which may include: local press advertisements, existing community groups, community events and joining with other consultations
- We will leave consultation documents on display at locations open to the public like council offices and libraries
- Copies of some consultation documents may be subject to a small charge, reflecting publication costs
- If asked we will provide copies of consultation documents to community groups, councils and other statutory bodies
- Where invited, we will seek to attend relevant meetings, e.g. Parish Council meetings and Neighbourhood Panel meetings
- We will publish comments received or a summary as soon as feasible and explain how comments have been taken into account when decisions are taken. A summary of comments will also be reported to Cabinet/ Council meetings.

When we will consult

The preparation of planning policy documents is strictly regulated by planning law. The regulations require minimum levels of consultation at given stages of a document's preparation.

The regulations, however, do give flexibility on how to consult in the early stages of a documents preparation. Consultation events will normally take place in defined time periods. This will usually involve consultation on a written document accompanied by a series of events such as workshops/exhibitions. Consultations

on planning policy documents will usually last for 6 weeks. However, in the following circumstances the Council will aim to increase this period where it is not fixed by the regulations:

- a) Where the consultation period overlaps with either the Christmas, Easter, or August holidays. In such circumstances the consultation period will usually be extended to 8 weeks.
- b) Where there has been significant additional material included within the document between first publication of draft papers and formal consultation commencing. Again in such circumstances the consultation period will usually be extended to 8 weeks.

Key stages required in the preparation of Local Plan documents (and other planning policy documents) and when you will be involved.

A Local Plan has to be prepared in accordance with formal requirements set out in legislation. The following diagrams set out the key stages of preparation and when and how the Council will involve you-

- First, if appropriate, we will ask for ideas, views and information from appropriate organisations, individuals and local communities.
- We will then prepare and consult on a draft version of the SPD.
- After considering the responses to the draft, we will consider the need for further consultation and report to committee.
- Once we consider that there has been enough community involvement we will adopt the SPD.

The Council may also prepare a number of other Planning Policy documents which you can get involved in. These include:

Supplementary Planning Documents (SPDs)	Supplementary Planning Documents provide further advice on how Local Plan policies should be implemented. E.g. a development brief for a particular site, or practical guidance on how a policy should be interpreted and implemented in practice.
Community Infrastructure Levy (CIL)	The Community Infrastructure Levy is a charge that local

	<p>authorities can choose to collect on new development in their area. The money collected is used to fund infrastructure that has been identified as necessary, both by the Council and the local community, to support new development.</p>
Evidence Base	<p>The evidence base comprises a number of studies, reports and assessments that support the Council's emerging policies. This helps to ensure all future planning policies and decisions are based on robust, relevant and up-to-date information.</p>
Local Development Orders	<p>A Local Development Order allows certain developments to go forward in a specific area without the need for planning permission, as long as the type of development is covered by the order.</p>
<p>Neighbourhood Plans and Neighbourhood Development Orders are prepared by Parish and Town Councils and/or by Neighbourhood Forums.</p>	
Neighbourhood Plans	<p>Neighbourhood Plans form part of the statutory development plan for the district and are used to determine planning applications in the area the plan covers. Whilst the Council does not produce the Neighbourhood Plan there is a duty for it to provide advice and technical assistance to communities as work progresses. This includes having a specific role to play at certain statutory stages in the process.</p>

Neighbourhood Development Orders	Similar to a Neighbourhood Plan, Neighbourhood Development Orders are prepared by Parish and Town Councils and Neighbourhood Forums. They have the same effect as a Local Development Order and can grant planning permission for specific types of development for a specific site or type of development in the neighbourhood area.
Community Right to Build Order	A Community Right to Build Order is a form of Neighbourhood Development Order that can be used to grant planning permission for small scale development for community benefit on a specific site. These are prepared by constituted community groups rather than a Neighbourhood Forum or a Parish/Town Council.

Register your details

If you would like your contact details to be added to our mailing list, please e-mail: ldf@west-norfolk.gov.uk.

If you do not have internet access you can contact the Planning Team via the details provided in this document. Likewise, if you wish to remove your details from the list and not receive future notifications you can do this online or by contacting the team.

This database of individuals, groups and stakeholders has been developed, which the Council will continue to use to ensure the public is informed of the preparation of new planning documents. This database is continually updated and reviewed.

3. Community involvement in planning application decisions

The Town and Country Planning (Development Management Procedure) (England) Order 2015 sets out the minimum requirements for publicising planning applications. This Authority presently exceeds these requirements and this section sets out our current practice. The Council encourages meaningful community involvement in all planning applications.

Types of planning applications

Planning applications are classified as¹:

Householder: extensions to dwellings, garages, etc.

Minor: Including development up to 10 dwellings, changes of use, commercial development up to 999m² floorspace.

Major: 10+ dwellings, sites of 0.5ha or more, or other uses where floorspace is more than 1000m².

The extent of community involvement that we seek and/or undertake will depend upon the type of application that is being considered and more extensive consultation may be required for major applications or applications with a significant interest (e.g. likely to be controversial or have significant impacts).

The role of the Council

The Council operates a chargeable Pre-Application Advice Service. This scheme encourages developers to involve the community at the earliest stage of the planning application process, especially in the case of major/significant applications. Details of the service can be viewed at: www.west-norfolk.gov.uk/Default.aspx?page=26213#PreApplicationAdvice.

Planning applications are public documents and can be viewed on the Council website through the 'Public Access' system. Public Access allows the public to view plans and documents, monitor the progress of an application, submit comments about the application, search a list of applications received and decided each week and view details of historic applications. Public Access is available at: <http://online.west-norfolk.gov.uk/online-applications/>. They can also be viewed at the Council offices.

The Council publishes a weekly list of all planning applications on its website - <http://online.west-norfolk.gov.uk/online-applications/search.do;jsessionid=E4E75FBD747211B30CDB79ED297764C?action=weeklyList> and details of all applications are sent to Parish/Town/City Councils for their views.

¹ The Council is required to give 'Prior Notification' of certain developments (e.g. agricultural buildings within size limits) and sometimes to make Non Material Amendments to previously approved planning applications. Neither procedure falls under the normal consultation procedures for planning applications.

An application may be advertised in a local newspaper if:

- It is in a Conservation Area or for a Listed Building;
- It is a departure from the Local Plan;
- It affects a footpath or right of way;
- It requires an EIA (Environmental Impact Assessment);
- It is considered to be a major or significant application; or,
- It is of wider public interest.

The law requires that the Council must either post a site notice on or near the land to which the application relates, or consult all neighbours sharing a common boundary with an application site.

Therefore for planning applications (as defined above) a site notice, with a site map, will be erected close to the development site so that interested parties can comment. All site notices, newspapers advertisements and neighbour notifications will specify that all consultees with an interest in an application have 21 days to make written comments.

The Council's may also notify neighbouring properties of the submission of an application.

If amended plans are required/received depending on the extent and nature of the changes, a further written consultation may be carried out with the Parish Council/other consultees, although it should be noted that there is no legal requirement to do this, except in certain specific circumstances such as formal submission of information linked to Environmental Impact Assessment .

Various statutory and non-statutory bodies (e.g. Highways, Natural England, the Environment Agency) may also be consulted in writing depending on the type of development proposed. References to written consultation include electronic consultations, which are the most efficient way of consulting on an application.

Planning Committee

The Planning Committee is currently made up of 18 borough councillors, and these councillors sit as the Local Planning Authority to determine certain planning applications.

Very broadly, an application may be considered by the Planning Committee if:

- It is required to go due to the Planning Scheme of Delegation
- It raises issues of wider interest or there is a great deal of public comment.

Otherwise the decision is likely to be made by the officers, under powers delegated to the Executive Director – Environment & Planning.

Meetings are held roughly every four weeks, usually on a Monday in the Committee Suite of the main council offices at King's Court or at the Assembly Room in the Town Hall. The Monthly Meetings Calendar is available on the Council's website at <http://democracy.west-norfolk.gov.uk/ieListMeetings.aspx?CId=132&Year=0>

The meetings follow an agenda which is published on the website 5 working days before the meeting is scheduled to take place. The agenda includes, for each application, advice given to the committee by planning officers who provide a detailed report with a recommendation for approval or refusal.

Any member of the public can attend the Planning Committee meetings and listen to the discussions about applications and other public issues on the public part of the agenda. In certain situations, you can ask to speak at a committee meeting about a planning application you're interested in. The Council encourages public participation in Planning Committee meetings and the right to speak is extended to supporters, objectors, the Parish Council and the Ward Councillors. The speaker list however, is limited and operates on a first come, first served basis. There are also restrictions on the time allowed to speak. If you would like to speak, you will need to have arranged this with us before the meeting, and for further information please follow this link to our website <http://www.west-norfolk.gov.uk/default.aspx?page=21859>.

The role of the applicant/agent

The role of the applicant is becoming increasingly more important in community involvement, and there are examples of good practice in the Borough where developers have undertaken a large amount of community involvement before and during, submission of an application. The Council would like to see this good practice become more widespread.

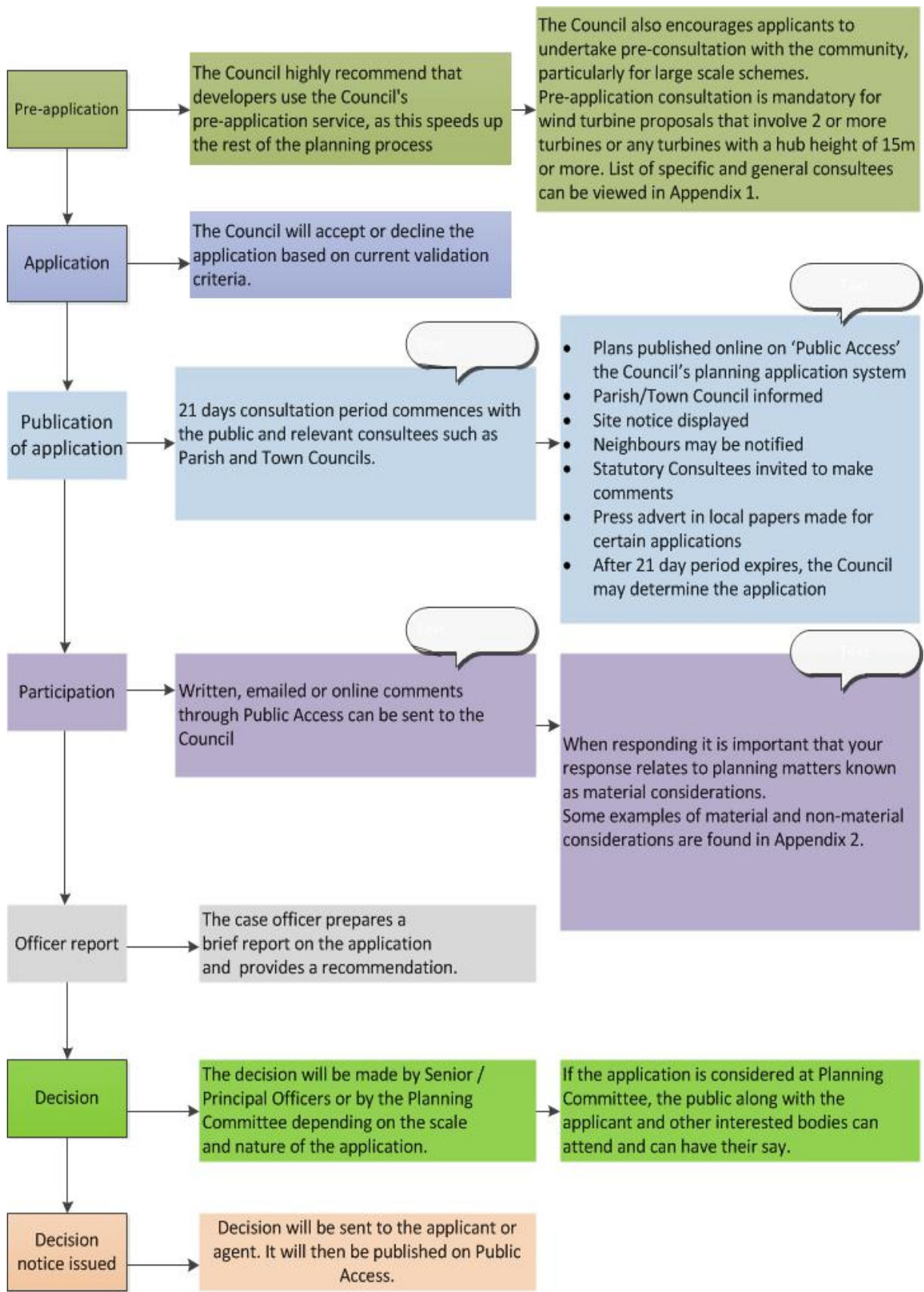
For major applications or applications with a significant interest, it would be helpful if developers carry out consultation before submitting a planning application, and failure to do this may slow the decision-making process down. Failure to consult may also lead to objections being made which could be important in the determination of an application. The format of this consultation may vary, but should look to include the following aspects:

- Discuss proposals with Parish/Town Councils and other local groups (e.g. Neighbourhood Forums)
- Working closely with the local community (particularly any directly affected parties) to evolve designs that take account of their views. Examples of how to do this could include:
 - Public exhibitions
 - Workshops
 - Preparation of a development brief
- Consider the consultation responses received, and take them into account before making their planning application.

Before making other types of planning application prospective applicants should consider people that are likely to be affected by their proposal. This might be as simple as talking over plans with a neighbour. Whilst the vast majority of pre-application publicity is voluntary, at present, it is mandatory for certain types of development, ie. wind turbines over a specified height.

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Planning application process



Decision making process

Before a decision is made, the case officer will briefly explain the reasons for the decision, along with a recommendation. The report will consider the relevant planning issues and any representations made. The case officer will negotiate with applicants where appropriate in order to arrive at a balanced decision in the public interest.

Delegated decisions	The Council enables the majority of planning applications to be determined by the Executive Director of Environment and Planning under delegated powers.
Committee decisions	If the application is to be determined by Planning Committee, the Planning Officer will write a report and make a recommendation covering all the relevant planning issues. The Council welcomes public speaking at the meeting in accordance with adopted protocol. Please see our website for further information:
Notification	Applicants (or their agents) will be sent a copy of the decision. Decision notices can be viewed on the Council's website. The reason for refusal will be given or the full text of conditions imposed where permission is granted.
Appeals	If the person who applied for planning permission does not agree with the decision that the Council has made to refuse their application, they may lodge an appeal with the Planning Inspectorate within a set timescale. No one else has the right to appeal the decision. However, when an application has been appealed, the Council does inform all parties that objected during the application stage. The Council advises of this as soon as it receives notification from the Inspectorate. All copies of letters and comments received during the application stage are also forwarded to the Planning Inspectorate.
Planning enforcement	The role of the Planning Enforcement Team is to investigate complaints into alleged breaches of planning control. You can report an alleged breach of planning control by: <ul style="list-style-type: none"> • Completing and submitting our online

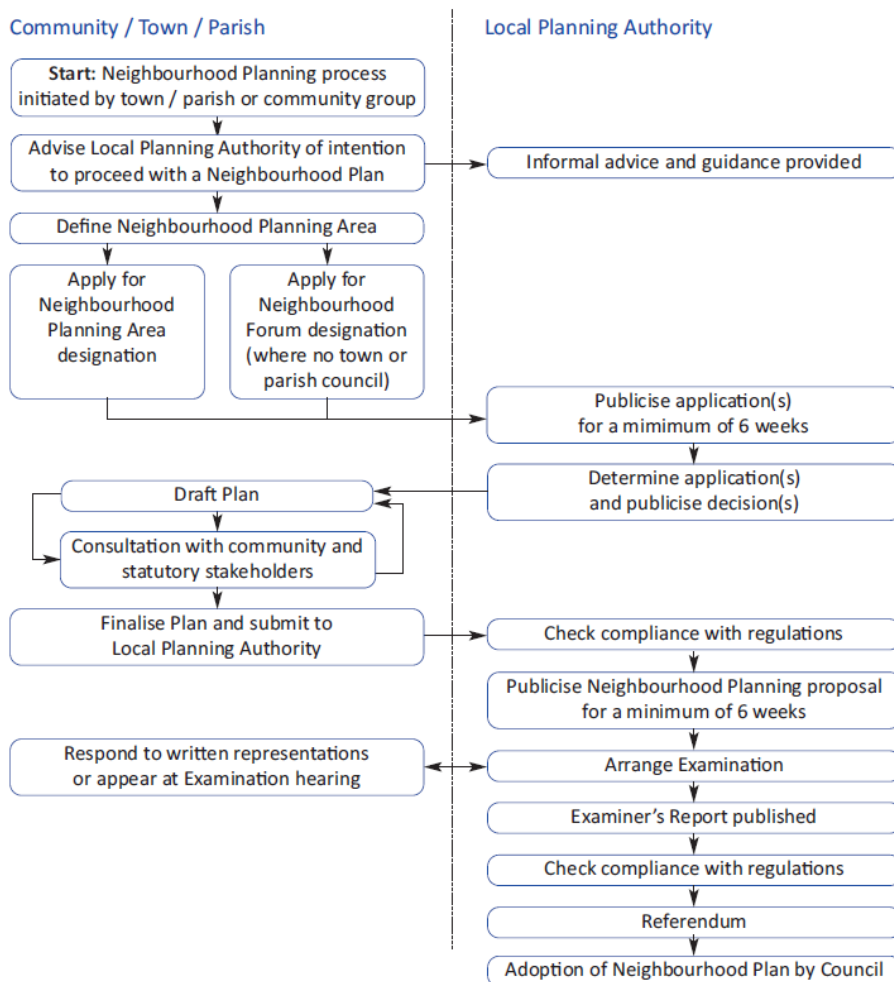
	<p>Planning Enforcement Complaint Form which is available at: http://www.west-norfolk.gov.uk/Default.aspx?page=24451</p> <ul style="list-style-type: none">• Writing and posting your complaint to: Planning Control, Borough Council of King's Lynn & West Norfolk, Kings Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX
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4. Neighbourhood Planning

The Localism Act introduced new rights and powers to allow local communities to shape new development by coming together to prepare neighbourhood plans.

Parish and Town Council’s and Neighbourhood Forums are responsible for preparing Neighbourhood Plans and Neighbourhood Development Orders including carrying out continued engagement throughout the process with the local community. The Council has a duty to advise and support the preparation of these plans but also has some statutory responsibilities in their preparation. In particular, the Council is responsible for carrying out the formal stages of consultation, arranging the examination and referendum. The following diagram shows the process for preparing a Neighbourhood Plan or Development Order and where the District Council is required to get involved.



Parish / Town Councils who are interested in exploring neighbourhood planning are advised to contact Forward Planning at the Borough Council at an early stage in the process, for general advice and guidance.

Appendix 1 Consultation Bodies

Specific consultation bodies

In accordance with government regulations the following specific consultation bodies must be consulted where the Council considers that they may have an interest in the subject of the proposed planning document:

- The Coal Authority
- Environment Agency
- English Heritage
- Marine Management Organisation
- Natural England
- Network Rail
- Highways Agency
- Norfolk County Council
- Parish and Town Councils within and adjoining the borough
- Norfolk Constabulary
- Adjoining local planning authorities
- Anglian Water
- Essex and Suffolk Water
- Homes and Communities Agency
- Electronic communication companies who own or control apparatus in the Borough
- Relevant gas and electricity companies (UK Power Networks and Transco, National Grid)
- NHS England
- West Norfolk Clinical Commissioning Group

General consultation bodies

In accordance with government regulations the following general consultation bodies must be consulted where the Council consider it appropriate:

- Voluntary bodies some or all of whose activities benefit any part of the Borough
- Bodies which represent the interests of different racial, ethnic or national groups in the Borough
- Bodies which represent the interests of different religious groups in the Borough
- Bodies which represent the interests of disabled persons in the Borough
- Bodies which represent the interests of persons carrying on business in the Borough
- Bodies which represent the interests of environmental groups in the Borough

Duty to co-operate

The Localism Act 2011 introduced a Duty to Co-operate, which is designed to ensure that all the organisations involved in planning work together on issues that are of bigger than local significance.

The authorities and agencies that the District Council will co-operate with is specified in Regulation 4 of the Town and Country Planning (Local Development) (England) Regulations 2012. The following bodies are designated as Duty to Co-operate stakeholders (*please note this list is not exhaustive*):

Neighbouring Local Authorities and County Councils e.g those relevant to Kings Lynn & West Norfolk include:

- Breckland Council
- North Norfolk Borough Council
- Fenland District Council
- South Holland District Council
- Forest Heath District Council
- Suffolk County Council
- Cambridgeshire County Council

Other public bodies and infrastructure providers

- Environment Agency
- English Heritage
- Natural England
- Civil Aviation Authority
- Homes and Communities Agency
- The Office of Rail Regulation
- Integrated Transport Authorities
- Highways Agency
- Anglian Water
- Essex and Suffolk Water
- Marine Management Organisation
- New Anglia Local Enterprise Partnership
- West Norfolk Clinical Commissioning Group
- NHS England
- Local Nature Partnership

Appendix 2 Material and non-material considerations

Material Considerations

Can be taken into account

- ✓ National and local policies
- ✓ Planning history and previous appeal decisions
- ✓ Case law
- ✓ Impact on privacy and amenity
- ✓ Highways safety/issues e.g. increased traffic movement
- ✓ Noise, smell or other disturbances
- ✓ Affordable housing
- ✓ Fear of crime
- ✓ Local economy
- ✓ Layout, density, design./appearance, character
- ✓ Effect on a listed building or conservation area
- ✓ Cumulative impact

Non-material Considerations

Cannot be taken into account

- × Issues considered under Building Regulations
- × Land/boundary disputes, including rights of access
- × Loss of property value
- × Loss of private view
- × Moral objections
- × Change from previous scheme
- × History of the applicant
- × Matters covered by other legislation
- × Restrictive covenants
- × Opposition to the principle of a development if permission has been granted by an outline application or appeal decision
- × Work already done
- × Factual misrepresentation of the proposal

REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards	Operational	Be entirely within Cabinet's powers to decide	NO	
		Need to be recommendations to Council	YES	
		Is it a Key Decision	NO	
Lead Member: Cllr K Mellish E-mail: <i>cllr.kathy.mellish@west-norfolk.gov.uk</i>		Other Cabinet Members consulted: Cllr Daubney, Cllr Nockolds		
		Other Members consulted:		
Lead Officer: Becky Box, Personnel Services Manager E-mail: <i>becky.box@west-norfolk.gov.uk</i> Direct Dial: 01553 616502		Other Officers consulted: Management Team		
Financial Implications NO	Policy/Personnel Implications YES	Statutory Implications YES	Equal Impact Assessment YES If YES: Pre-screening	Risk Management Implications NO

Date of meeting: 24 May 2016

CHILD PROTECTION POLICY

Summary

This report invites Members to consider and endorse updates to the corporate Child Protection Policy. The policy has been in place since 2007 and has been revised to reflect current practice and developments which have evolved during the intervening period. The policy is designed to ensure the Council meets its responsibilities and safeguards children and young people from potential harm and abuse, as well as protecting itself, its staff and elected members.

Recommendation

1. That Members approve the revised Child Protection Policy.
2. That Members delegate authority to the Executive Director, Central and Community Services, in consultation with the relevant Portfolio Holder, to agree amends/updates to the Policy that may be required to ensure it remains compliant with legislation
3. That Officers take steps to ensure that the Council's duty to safeguard and promote the welfare of children is appropriately reflected in contracts, leases and licences

Reason for Decision

To ensure that the Council meets its statutory duties with respect to child protection.

Background

1.1 There is a considerable body of legislation, government guidance and standards designed to ensure that children are protected from harm. These include 'The Children Act 1989', 'The Children Act 2004', 'The Protection of Children Act 1999', 'The Human Rights Act 1998', 'The Children and Families Act 2014', the 'Working Together to Safeguard Children 2006' document by the Department of Health and the revised versions of this document adopted in 2013 and 2015.

1.2 In particular, Section 11 of the Children Act 2004 places duties on a range of organisations to ensure their functions are discharged having regard to the need to safeguard and promote the welfare of children. This duty extends to contractors who deliver services to children and families on behalf of the council.

1.3 The aim of the policy is to co-ordinate the Council's approach to child protection and help ensure we are compliant with our statutory obligations. It covers corporate arrangements in respect of this compliance. Each service, function or facility will retain its own operational guidance and procedures, and refer to the corporate framework as appropriate. Having this 'umbrella' policy in place reduces duplication of effort and ensures all areas are working to the same standards and guidance.

1.4 The policy formulates the procedures and processes we have in place and provides detailed guidance to assist staff, members and volunteers of the Council in recognising signs of potential harm or abuse, and how to respond to any concerns or allegations that may arise. It also identifies good practice to limit the potential risk where situations of harm or abuse of a child may occur, as well as reducing the possibilities for allegations against staff, members, volunteers and the Council.

1.5 The key changes included within this revision to the policy are as follows:

- updates to reflect changes as a result of the new arrangements in leisure and arts
- more prominent display of information relating to the Council's child protection co-ordinator, and deputy
- a new section outlining the Council's corporate responsibilities (section 1.3 of the policy) and service specific responsibilities (section 1.4 of the policy)
- an updated diagram to summarise the basic response procedure if an employee or Elected Member needs to raise a concern (section 6.2 of the policy)
- general updating of the section relating to recruitment and retention of staff (section 8 of the policy) to reflect changes in practice and to reflect the requirements of the Disclosure and Barring Service (including updating appendices F and G)

1.6 Once adopted, the revised policy will be communicated to staff. An ongoing programme of child protection training is already in place, and this will be revised to include refresher training on a three yearly basis, in accordance with recommended best practice. The refresher training will include a session specifically covering the Council's Child Protection Policy.

1.8 Members will note that the policy relates specifically to children. Until the Care Act 2014 came into force on 1st April 2015 there was no English law that dealt specifically with safeguarding adults who might be at risk of abuse or neglect, although the Human Rights Act 1998 brought certain rights into UK law. It is proposed to review the potential of introducing an overarching 'Safeguarding Policy' incorporating elements of both child and adult protection over the coming year and any resulting policy will be presented to Members in the usual manner.

2 Review of implications for contracts, grants and leases

2.1 The Council's internal safeguarding group is currently reviewing arrangements for the consideration of child protection issues when letting contracts, providing funding to external organisations and granting leases for use of Council land/property. Any changes required to ensure the Council is fulfilling its safeguarding responsibilities in these areas will be implemented as a result of the review.

3 Policy Implications

3.1 This is an update to an existing Council policy.

4 Financial Implications

4.1 None. Training related costs are already budgeted for within the corporate training budget.

5 Personnel Implications

5.1 None.

6 Statutory Considerations

6.1 The Council has a statutory duty which it is required to meet under the Children Act 2004. The corporate Child Protection Policy is designed to ensure the Council meets its responsibilities in respect of this duty (section 11 of the Children's Act 2004).

7 Equality Impact Assessment (EIA)

(Pre screening report template attached)

8 Risk Management Implications

8.1 Local Authorities have an important role in the safeguarding and protection of children. Without a Corporate Child Protection Policy the Borough Council's work in this area is at risk of lacking progress and without a policy and the relevant procedures in place, potentially risk legal action should any issues around child protection or allegations occur.

9 Declarations of Interest / Dispensations Granted

None

10 Background Papers

- Statutory Guidance under Section 11 of the Children Act 2004
- The Children Act 2004
- The Protection of Children Act 1999
- The Human Rights Act 1998
- The Children and Families Act 2014
- Working Together to Safeguard Children 2006, and as updated in 2013 and 2015



Child Protection Policy

April 2016

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Executive Summary

Local authorities have overarching responsibility for safeguarding and promoting the welfare of all children and young people in their area. Whilst local authorities play a lead role, safeguarding children and protecting them from harm is everyone's responsibility. Everyone who comes into contact with children and families, or who works for a local authority, has a role to play.

Safeguarding and promoting the welfare of children is defined¹ for the purposes of this policy as:

- protecting children from maltreatment;
- preventing impairment of children's health or development;
- ensuring that children grow up in circumstances consistent with the provision of safe and effective care; and
- taking action to enable all children to have the best outcomes.

This council, together with local agencies including the police and health services, also has a duty under section 11 of the Children Act 2004 to ensure that it considers the need to safeguard and promote the welfare of children when carrying out its functions. This duty extends to contractors who deliver services to children and families on behalf of the council.

Professionals working in agencies with these duties are responsible for ensuring that they fulfil their role and responsibilities in a manner consistent with the statutory duties of their employer.

This policy sets out the arrangements to ensure this will be achieved within the Borough Council of King's Lynn and West Norfolk.

The nominated child protection co-ordinator for the Borough Council of King's Lynn & West Norfolk is Debbie Gates, Executive Director Central and Community Services, to whom all concerns should be addressed in the first instance:

**Debbie Gates
Executive Director Central and Community Services
01553 616605
Debbie.Gates@west-norfolk.gov.uk
King's Court
Chapel Street
King's Lynn
Norfolk
PE30 1EX**

the Council's Deputy child protection co-ordinator, who should be contacted in Debbie's absence, is Becky Box, Personnel Services Manager, who can be contacted on 01553 616502, becky.box@west-norfolk.gov.uk, address as above

¹ see 'Working together to safeguard children' A guide to interagency working to safeguard and promote the welfare of children, HM Government (March 2015)

Introduction

The Borough Council of King's Lynn and West Norfolk believes that all children have the right to live their lives to the fullest potential, to be protected, to have the opportunity to participate in and enjoy any activity, and to be treated with dignity and respect. Although many children have wonderful experiences, abuse does happen.

This Child Protection Policy is designed to ensure the Borough Council of King's Lynn & West Norfolk meets its responsibilities and safeguards children and young people from potential abuse or harm as well as protecting itself and its staff, elected members and volunteers.

1.1 Definitions²

- The term children or young person is used to refer to anyone under 18 years of age.
- The term parent is used as a generic term to represent parents, carers and guardians.
- The term staff or employee is used to refer to any person working for or on behalf of the Council in a paid or voluntary capacity, including employees of Alive Management Limited and Joint Employees of Alive Management and Alive Leisure.
- The term contractor or sub-contract is used to describe any individual or organisation delivering services to children and families on behalf of the council

1.2 Policy Statement

The Borough Council believes that all children and young people irrespective of their age, class, religion, culture, disability, gender, ethnicity or sexual preference have the right to protection from harm. We have a duty to promote the welfare of and safeguard all children and young people from harm as far as is reasonably practicable. We will do this by

- raising awareness of child protection and safeguarding children across the organisation so that all staff are aware of their responsibilities
- ensuring our recruitment procedures are robust and proper checks and procedures are followed
- where appropriate, ensuring contractors and funded organisations have child protection policies and procedures in place.

1.3 Corporate Responsibilities

The Council undertakes a range of activities to demonstrate its commitment to meeting its responsibilities with regards to child protection, including:

- active participation in the Norfolk District Safeguarding Group, which has been established to ensure all Norfolk district Council's are meeting their duties and obligations in accordance with relevant legislation
- effective co-ordination of an internal safeguarding group to ensure the effective sharing and dissemination of safeguarding related information within the organisation
- participation in an annual Section 11 audit undertaken by the Norfolk Safeguarding Children Board – designed specifically to ensure that

² Taken from 'Working together to safeguard children' Department of Children, Schools and Families (2010)

organisations are comply with the requirements of section 11 of the Children Act 2004

1.4 Service Specific Responsibilities

This policy sets out the Council's overall approach to child protection and ensures that we are compliant with our statutory obligations. Certain services, in particular Housing Services and Community Safety services, will retain their own operational guidance and procedures for dealing with specific incidents and/ circumstances. For other services, where there are no specific processes in place, this policy and the procedures outlined within it should be adhered to in full.

1. The Legal Framework

There is a considerable body of legislation, government guidance and standards designed to ensure that children are safeguarded from harm. These include the 'Children Act 1989', the 'Children Act 2004', the 'Protection of Children Act 1999', the 'Human Rights Act 1998', the 'Sexual Offences Act 2003' and the 'Working Together to Safeguard Children 2006' document by the Department of Health.

The statutory inquiry into the death of Victoria Climbié highlighted the lack of priority status given to safeguarding. The Government's responses to these findings included the 'Every Child Matters' green paper and the 2004 Children Act. Section 11 of this act places a duty on organisations and individuals (including this authority) to ensure their functions are discharged with regard to the need to safeguard and promote the welfare of children.

Everyone who works with or around children need to be aware of the laws that aim to protect children from harm.

Section 11 of the Children Act 2004 places duties on a range of organisations and individuals to ensure their functions, and any services that they contract out to others, are discharged having regard to the need to safeguard and promote the welfare of children.

Section 11 places a duty on local authorities and district councils that provide children's and other types of services, including children's and adult care services, public health, housing, sport, culture and leisure services, licensing authorities and youth services. The responsibilities and duties placed on the Council by the Children Act 2004, the Children Act 1989 and the Protection of Children Act 1999 are outlined in Appendix A – which in particular highlights the need for inter-agency co-operation and reciprocal duties between such agencies, including district and county councils.

2. Diversity Statement

The Borough Council of King's Lynn & West Norfolk is bound by the provision and spirit of the relevant legislation and all its work is informed by a commitment to the promotion of diversity. All constituent agencies are required to ensure that their services are equally underpinned by such commitment.

The Borough Council believes that the welfare of children is of paramount concern, and that their individual needs and rights should be respected. Those working with

children and young people should be sensitive to the diversity of children's circumstances and backgrounds (e.g. in respect of their age, gender, physical and mental ability, ethnicity, culture and religion, language, sexual orientation and socio-economic status).

These principles underpin all Borough Council of King's Lynn & West Norfolk policies, procedures, protocols and training.

The Borough Council will use its influence to promote these principles and will seek wherever possible, both in its own work and that of its partner agencies, to eliminate discrimination, harassment and attacks on any group or individual. We will monitor the effectiveness of our work, and that of partner agencies, in these areas, and continuously seek to improve our performance.

3. Aims, Objectives & Scope

The Borough Council of King's Lynn & West Norfolk accepts the moral and legal responsibility to implement procedures, to provide a duty of care for children and young people, safeguard their well-being and protect them from harm when they are engaged in services organised and provided by the Council.

4.1 Aims

With this Child Protection Policy, the Council aims to:

- Raise awareness of the duty of care responsibilities relating to children and young people throughout the Council.
- Actively encourage good practice amongst all staff, elected members and volunteers throughout the Council and promote wider awareness wherever possible, i.e. partnership organisations and user groups.
- Create a safe and healthy environment within all our services, avoiding situations where abuse or allegations of abuse may occur.
- Respect and promote the rights, wishes and feelings of children and young people. Listen to children and young people, minimising dangers and working closely with other agencies.
- Recruit, train, supervise and support staff who work with children and young people to adopt best practice to safeguard and protect children and young people from abuse or harm, and themselves against false allegations. Staff who work with children and young people will be subject to the appropriate level of Disclosure and Barring Services check.
- Respond to any allegations and concerns against staff appropriately and implement the appropriate disciplinary and appeals procedures.
- Requires staff to adopt and abide by the Council's Child Protection Policy and Procedures and Council's Officer Code of Conduct (as detailed in the Employee Handbook).

4.2 Objectives

The Council will do this by:

- Providing appropriate training for staff to enable them to recognise the potential signs and indicators of abuse or harm and to improve good practice.
- Aiding staff to respond sensitively and seriously to a child or young person who discloses information about abuse and be confident and able to take appropriate action swiftly, regardless of whom the allegation is about, e.g. carer/staff member.

- Maintaining a level of good working practice at all times and therefore reducing the risk to children and young people under the care of our staff and volunteers.
- Promoting the general welfare and well being of children and young people during and within Council services.
- Developing and implementing effective procedures for recording and responding to incidents and accidents.
- Developing and implementing effective procedures for recording and responding to complaints of alleged or suspected child abuse.

4.3 Scope of Policy

This policy applies to all council activity, including that of Alive Management Limited, whether functions are directly provided or commissioned from a third party. It sets out the corporate arrangements made by the Council to meet its responsibilities. The accompanying supporting notes provide detailed guidance. It remains the responsibility of each service area, function or facility to make appropriate arrangements to comply with these responsibilities. These arrangements will reflect local circumstances and the nature of the service provided. This policy will be subject to review on an annual basis.

4.4 Norfolk Local Safeguarding Children Board

The Norfolk Local Safeguarding Children Board (LSCB) brings together all agencies and professionals in Norfolk. The aim is to work together to protect children from abuse and neglect, and minimise any adverse consequences of abuse. The Borough Council is a member agency and as such the Chief Executive is the Council's representative on the LSCB Executive Board. As a member agency, the Borough Council of King's Lynn & West Norfolk is signed up to all LSCB protocols and procedures.

5 Definition of Abuse, Harm & Neglect

Abuse and neglect are forms of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm, or by failing to act to prevent harm. Children may be abused in a family or in an institutional or community setting, by those known to them or, more rarely, by a stranger. They may be abused by an adult or adults, or another child or children.

Employees and Elected Members should note that it is not their responsibility to determine if a child is being abused, only to record and report their concerns to the Council's Child Protection Co-ordinator, Children's Services or the Police who have the responsibility to investigate concerns.

The following definitions and symptoms are not a comprehensive or definitive list, but it provides a guide to the more common non-accidental injuries which may suggest situations where more expert advice should be sought.

5.1 Physical Abuse

Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces illness in a child.

Indicators of physical abuse or harm may or may not include:	
<i>Physical Observations</i>	<i>Behavioural Observations</i>
<ul style="list-style-type: none"> • Bruising especially: <ul style="list-style-type: none"> - bruising on the trunk - bruises on the upper arm, shoulders and/or neck consistent with gripping - finger tip bruising/finger marks • Burns and scalds especially: <ul style="list-style-type: none"> - cigarette burns - burns caused by lengthy exposure to heat • Human bite marks • Fractures, particularly spinal fractures • Swelling and lack of normal use of limbs • Any serious injury with no explanations/inconsistent accounts • Untreated injuries 	<ul style="list-style-type: none"> • Unusually fearful with adults • Unnaturally compliant to parents • Refusal to discuss injuries/fear of medical help • Withdrawal from physical contact • Aggression towards others • Wears cover-up clothing

5.2 Emotional Abuse

Emotional abuse is the persistent emotional maltreatment of a child such as to cause severe and persistent adverse effects on the child's emotional development. It may involve conveying to children that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond the child's developmental capability, as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of maltreatment of a child, though it may occur alone.

Indicators of emotional abuse may or may not include:
<ul style="list-style-type: none"> • Physical, mental and emotional development lags • Acceptance of punishment which appears excessive • Over reaction to mistakes • Continual self-depreciation • Sudden speech disorders • Fear of new situations • Inappropriate emotional responses to painful situations • Neurotic behaviour (such as rocking) • Self harming • Fear of parents being contacted • Extremes of passivity or aggression • Drug/solvent abuse • Running away • Compulsive stealing, scavenging

5.3 Sexual Abuse

Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, including prostitution, whether or not the child is aware of what is happening. The activities may involve physical contact, including penetrative (e.g. rape, buggery or oral sex) or non-penetrative acts. They may include non-contact activities, such as involving children in looking at, or in the production of, pornographic material or watching sexual activities, or encouraging children to behave in sexually inappropriate ways.

Indicators of sexual abuse may or may not include:	
<i>Physical Observations</i>	<i>Behavioural Observations</i>
<ul style="list-style-type: none"> • Damage to genitalia, anus or mouth • Sexually transmitted infections • Unexpected pregnancy in very young girls • Soreness around the genital area, anus or mouth • Unexplained recurrent urinary tract infections and discharges or abdominal pain 	<ul style="list-style-type: none"> • Sexual knowledge inappropriate for age • Sexualised behaviour in young children • Sexually proactive behaviour/promiscuity • Hinting at sexual activity • Inexplicable falling off in school performance • Sudden apparent changes in personality • Lack of concentration, restlessness and aimlessness • Socially withdrawn • Overly compliant behaviour • Acting out, aggressive behaviour • Poor trust in significant adults • Regressive behaviour, onset of wetting by day or night • Onset of insecure, clinging behaviour • Arriving early at school, leaving late, running away from home • Suicide attempts, self-harm, self-disgust • Eating disorders, hysteria attacks in adolescents

5.4 Neglect

Neglect is the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. Neglect may occur during pregnancy as a result of maternal substance abuse. Once a child is born, neglect may involve a parent or carer failing to provide adequate food and clothing, shelter including exclusion from home or abandonment, failing to protect a child from physical and emotional harm or danger, failure to ensure adequate supervision including the use of inadequate care-takers, or the failure to ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

Indicators of neglect may or may not include:	
<i>Physical Observations</i>	<i>Behavioural Observations</i>
<ul style="list-style-type: none"> • Poor personal hygiene 	<ul style="list-style-type: none"> • Constant hunger

<ul style="list-style-type: none"> • Poor state of clothing • Emaciation, pot belly, short stature • Poor skin tone and hair tone • Untreated medical problems 	<ul style="list-style-type: none"> • Constant tiredness • Frequent lateness or non-attendance at school • Destructive tendencies • Low self-esteem • Neurotic behaviour • No social relationships • Running away • Compulsive stealing or scavenging • Multiple accidents and accidental injuries
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It is important to remember that many children and young people will exhibit some of these signs at some time and the presence of one or more should not be taken as proof that abuse or neglect is occurring. There could be a number of reasons for changes in behaviour such as a new birth or death in the family for example. However, **staff should talk to the designated Child Protection Co-ordinator if they have any concerns at all about a child.**

6 Responding to Concerns & Allegations

The following procedures are intended to inform all staff, elected members and volunteers of what actions they should take if they have concerns or encounter a case of alleged or suspected child abuse.

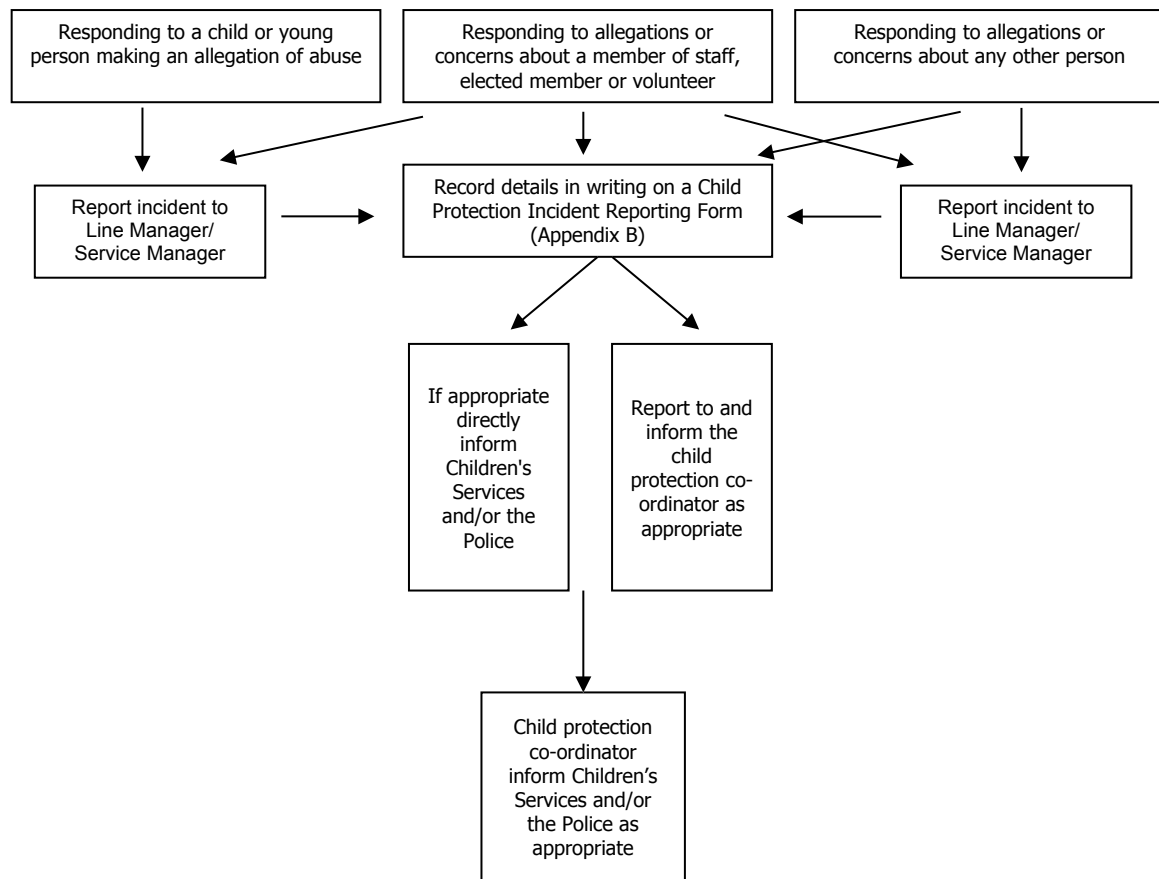
6.1 Duty to Refer

There is a duty on staff to report concerns about children where they may be at risk of harm or abuse. It is appropriate to gather and record facts about the concern, but care must be taken not to prejudice formal investigations which must be conducted in accordance with laid down procedures. There are a range of situations that staff, elected members and volunteers may need to respond to where there is a concern or case of alleged or suspected harm. For example:

- responding to a child or young person or officer etc disclosing abuse, i.e. they make an allegation of harm
- responding to allegations or concerns about a member of staff, elected member or volunteer
- responding to allegations or concerns about any other person, i.e. parent, carer, other service user and the impact their actions may have on a child.

6.2 Response Procedure - Summary

The diagram below summarises the basic response procedure/actions that should be followed for the response situations described above.



NB. Exceptions to the above are Housing Services and Community Safety where designated senior officers have the authority to report incidents directly. Staff in these areas should contact their Service Manager in the first instance.

6.3 Responding to a child or young person making an allegation of abuse

Abused children and young people will only tell people they trust and with whom they feel safe. By listening and taking seriously what the child or young person is saying you are already helping the situation. The following points are a guide to help you respond appropriately.

- Stay calm and listen carefully to what is said.
- Find an appropriate opportunity to explain that it is likely that the information will need to be shared with others – do not promise to keep secrets.
- Allow the child or young person to continue at their own pace.
- Ask questions for clarification only, and at all times avoid asking questions that suggest a particular answer.
- Reassure the child or young person that they have done the right thing in telling you.
- Tell them what you will do next and with whom the information will be shared. Record in writing on a Child Protection Incident Reporting Form all the details that you are aware of and what was said using the child or young person's own words, as soon as possible. An example of this form and accompanying guidance can be found in Appendix B.
- Report and inform the Child Protection Co-ordinator and/or directly contact Social Services and the Police as appropriate.

- The Child Protection Co-ordinator informs relevant persons, i.e. Children's Services and/or the Police if appropriate.

REMEMBER: It is not your job to judge or investigate BUT to inform

6.4 Responding to allegations or concerns against a member of staff, elected member or volunteer

- Take the allegation or concern seriously.
- Consider any allegation or concern to be potentially dangerous to the child or young person.
- Record in writing on a Child Protection Incident Reporting Form all the details that you are aware of as soon as possible. An example of this form and accompanying guidance can be found in Appendix B.
- Report to and inform the Child Protection Co-ordinator or directly contact Children's Services and/or the Police as appropriate.
- Child Protection Co-ordinator informs relevant persons, i.e. Children's Services and/or the Police.

REMEMBER: It is not your job to judge or investigate BUT to inform

6.5 Responding to allegations or concerns against any other person e.g. parent, carer, service user

- Take the allegation or concern seriously.
- Consider any allegation or concern to be potentially dangerous to the child or young person.
- Record in writing on a Child Protection Incident Reporting Form all the details that you are aware of as soon as possible. An example of this form and accompanying guidance can be found in Appendix B.
- Report to and inform the Child Protection Co-ordinator
- Child Protection Co-ordinator informs relevant persons, i.e. Children's Services and the Police if appropriate.

REMEMBER: It is not your job to judge or investigate BUT to inform

6.6 Allegations of previous abuse

Allegations of abuse may be made some time after the event, for example by an adult who was abused as a child by a member of staff who is still working with children. Where such an allegation is made, the procedures detailed above should be applied, and the matter reported to Children's Services or the police. This is because others may still be at risk. Anyone who has a previous criminal conviction for offences related to abuse is automatically excluded from working with children. This is reinforced by the details of the Protection of Children Act 1999, which states that it is an offence for such an individual to apply for or for an employer to offer, employment with children and young people. Jobs which require contact with children and young people will require a Disclosure and Barring Service check which reveals any previous convictions which make applicants ineligible for such a role.

6.7 Child Protection Co-ordinator

The nominated Child Protection Co-ordinator is responsible for:

- Ensuring the Child Protection Policy is adhered to.
- Ensuring that the relevant staff member records their concerns/completes the disclosure form as soon as possible.

- Recording their own conversations with the person, staff member or child to whom the disclosures were made.
- Contacting Children's Services, preferably in the area the child lives – passing on full details including factual information that they have on the child/young person.
- Providing a contact telephone number for Children's Services to get back to the Council.
- Ensuring Children's Services confirm who will liaise with the parent/carer.
- Increasing awareness of child protection issues within the Council.
- Maintaining clear communication channels between Co-ordinators.
- Ensuring that if a disclosure has been made to another member of staff that the child is not re-questioned by any other officer of the Council.

The nominated child protection co-ordinator for the Borough Council of King's Lynn & West Norfolk is:

Debbie Gates
Executive Director Central and Community Services
01553 616605
Debbie.Gates@west-norfolk.gov.uk
 King's Court
 Chapel Street
 King's Lynn
 Norfolk
 PE30 1EX

The Council's deputy child protection co-ordinator is:

Becky Box
Personnel Services Manager
01553 616502
becky.box@west-norfolk.gov.uk
 Address as above

6.8 Further help and information

If you are unsure about making a formal referral then you should phone your local area consultation line and the Western area number is given below. However, this should not cause a delay in you making a referral if a child is at risk of significant harm. The consultation line will allow you to discuss your analysis or understanding with an advanced practitioner experienced in child protection work. Further details on the consultation line can be found online www.lscb.norfolk.gov.uk.

The relevant contact details for Children's Services (referrals and consultation), the Police and the NSPCC are:

Children's Services
Norfolk County Council
 Tel: 0344 800 8020
 County Hall
 Martineau Lane
 Norwich
 Norfolk

NR1 2DH
Consultation Line (Western Area): 01553 669330

Norfolk Safeguarding Children Board Support Team: 01603 223409

Norfolk Local Authority Designated Officer (LADO) Team: 01603 223473

Norfolk Police

Central Referral & Tasking Team	Tel: 01603 276332
Child Protection Team	Tel: 01760 720207
Out of Hours Emergency	
Operational Command Centre	Tel: 01953 424242

If you are unable to contact any of the above and there is an immediate danger dial 999 stating clearly that it is a child protection issue that needs immediate attention.

NSPCC

Child Protection Helpline	Tel: 0808 800 5000
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www.nspcc.org.uk

6.9 Confidentiality and Sharing of Information

Every effort should be made to ensure that confidentiality is maintained for all concerned. Information should be handled and disseminated on a need to know basis only, i.e. the Child Protection Co-ordinator, Children's Services, the Police. It is extremely important that allegations or concerns are not discussed, as any breach of confidentiality could be damaging to the child or young person, their family, the person whom the allegation is being made against and any child protection investigations that may follow.

Informing the parents of a child or young person you may have concerns about needs to be dealt with in a sensitive way and will be co-ordinated by the Child Protection Co-ordinator in consultation with Children's Services and/or the Police.

Any individual under suspicion has the right to be notified about the cause for concern. This should be done in joint consultation with Children's Services and the Police. It is important that the timing of this does not prejudice the investigation. Recorded information should be stored in a secure place with access limited to Child Protection Co-ordinators, in line with data protection laws (e.g. that information is accurate, regularly updated, relevant and secure). If enquiries arise from the public (including parents) or any branch of the media, it is vital that all staff, elected members and volunteers are briefed so that they do not make any comments regarding the situation. All media enquiries should be directed through the usual channels e.g. the Communications Manager and team.

6.10 Photography and Pornography

There is increasing evidence that some people have used children and young person's activities and events as an opportunity to take inappropriate photographs or video footage of children and young people. Staff, elected members and volunteers should be vigilant at all times and any person using cameras or videos (including those on mobile phones, iPads or PDA's) within the Borough Council of King's Lynn & West Norfolk's services and at events or activities which involve children and young people should be approached and asked to complete a consent form for the use of

cameras and other image recorders. An example of this form can be found in Appendix C.

When commissioning professional photographers or inviting the press to cover Council services, events and activities you must ensure that you make your expectations clear in relation to child protection.

- Check credentials of any photographers and organisations used.
- Ensure identification is worn at all times, if they do not have their own – provide it.
- Do not allow unsupervised access to children or young people or one to one photographic sessions.
- Do not allow photographic sessions outside of the activities or services, or at a child or young persons home.
- Parents must be informed that photographs of their child or young person may be taken during Council services, activities or events, and parental consent forms need to be signed agreeing to this. This must include information about how and where these photographs will be used. An example of this form can be found in Appendix D.
- It is recommended that the names of children or young people should not be used in photographs or video footage, unless with the express permission of the child or young person's parent.

7 Good Practice for Staff, Elected Members & Volunteers

Promoting good practice among staff, elected members and volunteers will limit the possibilities of allegations against themselves, the Council and potential risks in which situations of harm or abuse of a child may occur.

The guidelines aim to promote positive practice and are examples of care which should be taken by staff, elected members and volunteers while working with children and young people.

7.1 Staff, Elected Members & Volunteer Guidelines for Good Practice

- Always be publicly open when working with children and young people.
- Avoid situations where a member of staff, elected member or volunteer and an individual child or young person are alone unobserved. If a conversation is being held in a room away from others, where possible it should be held in a room with a glass door or window, and more than one adult should be present.
- Children or young people should never be left unattended. For example, it is the parents/carers responsibility to supervise any children in their care whilst they are visiting the Council offices and children should not be left unattended within the council offices.
- Respect the child or young person and provide a safe and positive environment.
- If any form of physical contact is required it should be provided openly and according to appropriate guidelines, i.e. National Governing Body of Sport Guidelines
- If supervision in changing rooms or similar environments is required, ensure staff work in pairs and never enter opposite sex changing rooms.
- With mixed groups, supervision should be by a male and female member of staff, where possible.

- Staff, elected members and volunteers must respect the rights, dignity and worth of every person and treat everyone equally within the context of the activity.
- Staff, elected members and volunteers must place the well being and safety of the child or young person above the development of performance.
- Staff, elected members and volunteers must feel confident to report concerns or worries about other staff members, elected members or volunteers to the appropriate person in authority, i.e. the Child Protection Co-ordinator, or directly report to Children's Services and/or the Police if the Child Protection Co-ordinator cannot be contacted.
- If a child or young person is accidentally injured as the result of a staff member, elected member or volunteers actions, seems distressed in any way, appears to be sexually aroused by your actions, misunderstands or misinterprets something you have done, always report such incidents as soon as possible to your Line Manager and make a written report.
- If a child or young person arrives at the activity or service showing any signs or symptoms that give you cause for concern you must act appropriately and follow the procedures outlined in this document under section 6.
- The Child Protection Co-ordinator must be informed of all potential Child Protection incidents or concerns at the earliest opportunity. Parents/Carers will be contacted through the relevant Children's Services Department and not by any Officer from the Borough Council of King's Lynn & West Norfolk.

It is **not** good practice for staff, elected members and volunteers to:

- Spend unreasonable amounts of time alone with children or young people away from others.
- Take children or young people alone on a car journey, however short.
- Take children or young people to your home where they will be alone with you.
- Arrange to meet children or young people outside an organised activity or service.

If these situations are unavoidable, they should only occur with the full prior knowledge and consent of your line manager and the child or young person's parents/carer. Written consent may be desirable.

Staff, elected members and volunteers should **never**:

- Engage in rough physical games including horseplay.
 - Engage in sexually provocative games.
 - Allow or engage in inappropriate touching of any form.
 - Allow children or young people to use inappropriate language unchallenged, or use it yourself.
 - Make sexually suggestive comments about or to a child or young person, even in fun.
 - Let any allegation a child or young person makes be ignored or go unrecorded.
 - Do things of a personal nature for children and young people that they can do for themselves, e.g. assist with changing.
- NB. It may sometimes be necessary to do things of a personal nature for children or young people, particularly if they are very young or are disabled. These tasks should only be carried out with the full understanding and consent of the parents. In an emergency situation that requires this type of

help, you should endeavour to have someone present and fully inform the parents as soon as it is reasonably possible. In such situations it is important that you ensure that all staff etc. are sensitive to the child or young person and undertake personal care tasks with the utmost discretion.

- Share a room with a child or young person.
- Enter areas designated only for the opposite sex.
- Use the internet to access child pornography sites.
- Should not take a child to the toilet, unless this is an emergency and a second, same sex member of staff is present.
- Use a mobile phone in changing areas, as most modern phones also have a camera built into them.

7.2 Good Practice for the Borough Council of King's Lynn & West Norfolk

Children can be subjected to abuse by those who work with them in any and every setting and it is important that all reasonable steps are taken by the Borough Council of King's Lynn & West Norfolk to ensure that unsuitable people are prevented from working with children and young people.

Use of Contractors

The Borough Council of King's Lynn & West Norfolk has a legal responsibility to ensure that those priority services to children and families are compliant with the duties set out in Section 11 of the Children Act 2004. Executive Directors/ Services Managers will ensure that this expectation is built into all such contracts the Council has with external contractors and the Council will reserve the right to audit the contractor's compliance procedures at any time.

Funding

Where the Borough Council of King's Lynn & West Norfolk is providing funding or grants to organisations whose work involves children, there is an expectation that the organisation will have relevant child protection procedures in place. The Council will build this into the eligibility criteria.

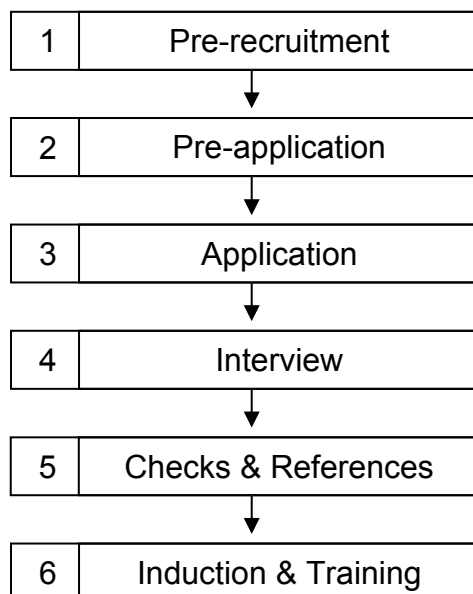
Whistleblowing Policy

Council employees are often the first to realise that there may be something seriously wrong within the Council. Any serious concerns that you have about any aspect or service provisions or the conduct of officers or Members of the Council or others acting on behalf of the Council, can be reported under the Council's Whistleblowing Policy.

8 Recruitment and Selection of Staff

It is important that all staff working or having contact with children and young people, whether they are full time, part time, paid or unpaid, have the same recruitment and selection procedures applied to them, and that these procedures are used to obtain as much information as possible about the person's previous experience of, and suitability for, working with children.

The fundamental stages of the procedure for recruiting and selecting staff are illustrated in the following diagram:



Stage 1: Pre-recruitment

It is essential that the need to work with children is clearly identified from the outset of the recruitment process for any post. When preparing paperwork for the position (job description, personal specification etc) clear reference should be made to this requirement. If such a post requires the successful candidate to be checked by the Disclosure and Barring Service, it is essential that this is agreed with Personnel Services prior to any job advertisement being placed. This is in accordance with the Council's procedure for dealing with DBS checks (as set out in Appendix E).

If any form of advertising is used to recruit staff, it should reflect:

- The aims of the Borough Council of King's Lynn & West Norfolk
- The responsibilities and duties of the role
- The level of experience or qualifications required (e.g. experience of working with children is an advantage)
- The Borough Council of King's Lynn & West Norfolk's Equal Opportunities Policy for Employment
- Any requirements for disclosure checks via the Disclosure and Barring Service

It is noted that potential employees seeking casual work may approach the Council direct. All such enquirers are asked to formally express their interest in working for the organisation by registering their details via the recruitment pages on The Council's website. Applications for any positions are only progressed once such details have been registered in this manner.

It is noted that often volunteers may approach or be approached by the Council to become involved in a particular event/initiative, rather than in response to an advertisement. In these cases, when discussing the requirements of the role, the Manager leading the process must explain the checks that will be required (see below).

Stage 2: Pre-application information

Information on all Council job opportunities are published on the recruitment pages of the Council's web-site. Such information will be:

- A job description detailing the roles and responsibilities of the position
- A person specification (e.g. stating qualifications or experience required)
- An online application form
- A copy of the Council's Equal Opportunities Policy for Employment
- A Rehabilitation of Offenders Act Disclosure Form (as part of the main application form)
- An equal opportunities monitoring form (as part of the main application form)
- The Council's Policy on the Employment of Ex-Offenders (Appendix F)
- The Council's policy on the use and storage of Disclosure and Barring Service checks (if relevant) (Appendix G)

Stage 3: Applicant information

Information that will be requested from applicants for vacancies will include:

- Name and address and
- Past career, including duties undertaken within previous posts and reasons for leaving
- Relevant experience, educational qualifications, job specific qualifications and training
- Details of any criminal record or disciplinary history with previous employers, in accordance with the Rehabilitation of Offenders Act 1974 and Rehabilitation of Offenders (Exceptions Order) 1979 (via the Council's Rehabilitation of Offenders Disclosure form)
- The names of at least two people (not relatives) willing to provide written references who are able to comment on the applicant's previous experience of and suitability for the job applied for. One of the provided referees must be the applicant's current or most recent employer, and one referee must be the most recent employer for whom the applicant worked in a capacity that involved working with children. Therefore at least one of the referees will have knowledge of the applicants previous experience of, and suitability for, working with children and young people
- Completion of a equal opportunities monitoring questionnaire

By highlighting the need for a Disclosure and Barring Service check (where appropriate) in the paperwork relating to a post the Council is fulfilling it's obligation to make applicants aware of the need for such a check, should they be successful in their application.

Managers engaging volunteers should request equivalent information relating to career history, previous offences and referees are supplied.

Stage 4: Interview

At least two people must conduct any job interview, and at least one member of the interview panel must have attended the Council's in-house recruitment and selection training course. This training course covers all the Council's requirements with regards to recruitment and selection, including issues relating to posts working with children. Ideally at least one member of the interview panel should have also received basic training in child protection issues.

During the interview the interview panel should explore information contained in the application form against the qualities and skills needed in the post. Any areas of concern, such as frequent job changes, gaps in candidates' career history or changes in career path, should also be explored during the interview.

Having completed interviews and determined the successful candidates, interview panels must always discuss their choice with Personnel Services prior to making an offer of employment. This enables Personnel Services to check confidential information held on the Rehabilitation of Offenders Disclosure Form and Equal Opportunities Monitoring form.

All offers of employment are made subject to the receipt of two written references considered satisfactory by the Authority (and in the case of posts working with children, which comply with the requirements outlined above) and receipt of a satisfactory medical enquiry form. A check is also completed to ensure that the candidate is legally entitled to work in the UK.

In cases where a Disclosure and Barring Service check is required the post must also be made subject to receipt of a satisfactory disclosure check.

Any start date agreed for a new recruit is only made on a provisional basis pending completion of the above checks being satisfactory completed. Written provisional offers of employment issued by Personnel Services will reflect these conditions.

Stage 5: Checks and References

All staff and volunteers recruited to work in services for children and young people must be checked for any possible irregularities, which may give reason for concern.

- **Disclosure and Barring Service**

The Council is registered with the Disclosure and Barring Service for the purpose of undertaking 'disclosure' checks for employees and volunteers engaged in the delivery of Council services / projects. As outlined above, it must be made clear from the outset if a disclosure is required for a particular post. Queries regarding the eligibility of a post for a disclosure check should be discussed with Personnel Services. For posts where a check is deemed necessary:

- paperwork issued during the recruitment process will reflect this fact and any offer of employment will be made subject to a satisfactory check.
- Once a provisional offer of employment has been made on these grounds, Personnel Services or an officer nominated to deal with disclosure checks within the relevant service (NB. All such nominated officers, including relevant Personnel staff, have themselves been subject to a DBS check), will issue a disclosure application form.
- Once completed, this form must be returned to Personnel Services/the nominated officer within the service together with original personal documentation (such as a passport, driving licence, birth certificate – a list of acceptable documents, as determined by the Disclosure and Barring Service, is supplied with the application form).
- The officer receiving this paperwork is then required to undertake a number of checks, which are also recorded on the disclosure application form.
- The disclosure application form is then forwarded to the Personnel Services Manager who reviews the information contained on the form and may then authorise the check, despatching the form to the Disclosure and Barring Service.
- New recruits to posts which require a disclosure to be undertaken will not commence their new job until the disclosure has been received and Personnel have confirmed that it is acceptable.

- A minimum of two references must be taken up, and these should meet the conditions outlined above. Where relevant queries arising from the reference must be discussed with Personnel Services and followed up by letter or telephone.
- **Working with volunteers.** When appointing volunteers Managers should request references in accordance with the requirements of this policy. It is the responsibility of Managers to take up and check these references – Personnel Services can supply a standard form to assist with this process.

Stage 6: Induction and Training

It is important that the recruitment and selection process is followed by relevant induction and training in order to further protect children and young people from possible abuse. Appropriate training will enable individuals to recognise their responsibilities with regard to their own good practice and the reporting of suspected poor practice and concerns or allegations of abuse. The induction and training will include:

- Initial awareness raising relating to child protection is included in the Councils standard induction e-learning package, including a link to this policy
- Basic awareness of the signs and indicators of abuse and an understanding of their responsibility to act swiftly and sensitively when concerns arise.
- All staff and volunteers need to be aware of the procedures they need to follow in response to any concerns that they have.
- Line Managers should ensure that this policy document is read and understood by all new and existing staff and volunteers
- Clarification of the job expectations, roles and responsibilities (e.g. through a formal or informal work programme / objectives).
- Child protection procedures explained and training needs established.

9 Useful Links and Further Information

Norfolk LSCB www.lscb.norfolk.gov.uk/ 01603 223409

The Norfolk LSCB has a comprehensive website detailing its protocols and procedures, as well as information on training, guidance and recent updates. It also hosts a number of useful leaflets and guidance which are available to download.

Every Child Matters www.everychildmatters.gov.uk

The Government website detailing the background and the five aims for every child. It also contains links to a number of useful documents including the Working Together to Safeguard Children document.

Working Together to Safeguard Children (2006): A guide to inter-agency working to safeguard and promote the welfare of children

<http://www.everychildmatters.gov.uk/resources-and-practice/IG00060/>

What to do if you're worried a child is being abused - Summary

<http://www.everychildmatters.gov.uk/resources-and-practice/IG00182/>

Statutory guidance on making arrangements to safeguard and promote the welfare of children under section 11 of the Children Act 2004

<http://www.everychildmatters.gov.uk/resources-and-practice/IG00042/>

Appendix A

The Legal Framework

The **Children Act 2004** places responsibilities on organisations and individuals, including this authority. These include:

- the duty under section 10 for local authorities (in this context, county level or 'children's services' authorities) to promote inter-agency co-operation between named agencies (including district councils)
- the reciprocal duty on those agencies (including district councils) to co-operate with the local authority (a duty which is accompanied by budget pooling powers and is the key provision that underpins children's trust arrangements)
- the requirement under section 11 to make arrangements to safeguard and promote the welfare of children, on which statutory guidance was published in August 2005 and came into effect from 1 October
- representation on, and participation in, Local Safeguarding Children's Boards under section 13
- entitlement to be consulted on the production of the local authority's Children and Young People's Plan under section 17 and subsequent regulations

The **Children Act 1989** provides county councils (children's services departments) and others with powers and duties to protect children whilst at the same time providing safeguards for both children and parents against excessive or unwarranted intervention.

There are a number of general principles which need to be borne in mind when considering any part of the legal framework. The child's welfare is of paramount importance. Under section 47 of the Children Act, Children's Services must make enquiries regarding a child's welfare (investigate) where they:

- are informed that a child who lives, or is found, in their area:
 - is the subject of an emergency protection order; or
 - is in Police protection; or
 - has contravened a ban imposed by a curfew notice made under the Crime and Disorder Act 1998; or
- the Authority has reasonable cause to suspect that a child living or found in their area is suffering, or is likely to suffer significant harm.

The enquiries will enable Children's Services to decide whether they should take any specific action to safeguard and/or promote the child's welfare. It is very important that all investigations into such matters are conducted in accordance within laid down procedures and in a manner that will not prejudice any further action such as a criminal prosecution. For this reason, if you become aware of something that may need further investigation, **do not attempt to investigate the matter yourself.**

The **Protection of Children Act 1999** has four principle objectives:

- to place the previous Department of Health's Consultancy Index (a list of people who are considered to be unsuitable to work with children) on a statutory basis and to require certain child care organisations to refer the names of anyone considered unsuitable to work with children for inclusion on the new list (called the Protection of Children Act List)
- to provide rights of appeal against the Protection of Children Act List and the Department for Education and Skills List 99

- to require regulated child care organisations to check the names of anyone they propose to employ involving regular contact with children against both departmental lists and not to employ them if they are listed
- to allow the Criminal Records Bureau to act as a central access point for criminal records information and the above two lists.

Appendix B

Guidance notes for recording concerns and allegations and example child protection concerns/allegations form.

LS3 GUIDANCE NOTES FOR RECORDING CONCERNS & ALLEGATIONS

Box	Notes
1	Only fill in the details you have, do not question the child.
2	Only complete if details are known.
3	Complete details
4	Complete details.
5	Remember to remain calm and listen to the child. You may ask open questions to clarify a statement. i.e. "How did that happen?" It is important to write down as far as you can remember the exact words that were used including your questions if any. Do not write up notes in presence of person disclosing. Where appropriate do be honest with the person disclosing, and inform them of what you will do next. Remember do not promise to keep secrets.
6	Do not investigate further to find this information. Only use it where it has been included in dialogue.
7	Each location should have an incident log. Refer to this to reference.
8	It is important not to discuss serious concerns with anyone else other than the designated officer for child protection as this may jeopardise any investigation by the Police or Children's Services.
9	It is vital that consultation with the designated child protection officer takes place as soon as possible and records made. In the absence of the designated child protection person, delay must be avoided; consult with your line manager. However, this should not delay any referral to Children's Services.
10	Remember to sign, time & date.
11	Complete job/role title & contact number.

FORM FOR RECORDING CHILD PROTECTION/VULNERABLE ADULTS CONCERNS and/or ALLEGATIONS

Recordings must be made as soon as possible after the event. **Do not delay.** Any additional information should be recorded on a separate sheet and attached. **REMEMBER – DO NOT INVESTIGATE; Children’s Services will undertake this role.**

1	Details of Child (name, age, address, telephone number (if known))	
2	Details of Parents/Carer (if known)	
3	Is the family aware of this referral	
4	Details of person reporting concern/allegation to you (this may be the child)	
5	Details of concerns & any supporting evidence you/others have observed	
6	When & where did the incident occur? Do not investigate; only if known through disclosure	
7	Have any previous concerns been logged?	
8	Details of anyone else who may have witnessed/have relevant information. Do not discuss details with an alleged perpetrator of abuse	
9	Record who has been made aware of the concern, time & date.	
10	Date	Time
Signed		
11	Job Title	Contact Number

PASS THIS FORM TO THE DESIGNATED CHILD PROTECTION OFFICER IMMEDIATELY IN AN ENVELOPE MARKED CONFIDENTIAL. DO NOT DELAY

CHILD PROTECTION OFFICER NOTIFIED BY	Date	Time

Appendix C

Example Consent Form for the use of Cameras and other Image Recorders

Venue	
Description of Equipment	
Surname	
Forename	
Address & Postcode	
Telephone Number	
Fax Number	
Mobile Number	
Email Address	
Name(s) of the subject(s)	
Relationship of the photographer & subject(s)	
Reason for taking photographs & uses the images are being or intended to be put to (e.g. family record, advertising etc)	
I declare the information provided is true and correct and that the images will only be used for the purposes stated.	
Signed: _____ Date: _____	
Authorised by	
Date	
Job Title	

Under the Data Protection Act 1998 the information that you have provided will be used only for the purposes monitoring camera and image recorder use and will be destroyed at the end of a year.

Appendix D

Example Consent Form

All information will be treated in strict confidence

Please use block capitals and print clearly

Event/Activity	
Date	
Name of Child	
Age	
Date of Birth	
Address & Postcode	
Telephone Number	
Mobile Telephone Number	
Medical Conditions (if any) e.g. asthmas, diabetes, allergies etc	

I confirm that my son/daughter is in good health and I give consent for my son/daughter to participate in the above event/activity.

I consent to any emergency treatment required by my son/daughter during the course of the event/activity.

I give consent for my son/daughter to be photographed during the course of the above event/activity and I consent to the photographs being used by the Borough Council of King's Lynn & West Norfolk for bona fide promotional purposes. This also includes the use on the World Wide Web (internet).

The information you provide will be used in accordance with the Data Protection Act 1998, to ensure the safety of all participants and may be shared with other people/organisations involved in the delivery of the above event/activity, if appropriate. By signing this form you are consenting to the Council using the information, which you have supplied in the manner stated above.

Name of Parent/Guardian	Signed	Date

Appendix E

Recruitment procedure for posts where 'Disclosure' (formally police checks) are required

Stage	Action	Who's Responsibility
Before the job advert is placed	Evaluate the need for Disclosure	Line Manager
	If Disclosure required, advise Personnel Manager as soon as possible	Line Manager
	Determine at what level (Standard or Enhanced) Disclosure required	Personnel in discussion with Line Manager
Formulating recruitment paperwork	Advert – must state that <ul style="list-style-type: none"> • the post requires a Disclosure and should state that • the successful candidate will be asked to apply for a Disclosure • the level of the Disclosure required 	Personnel
	Application Form/Job Description/Personal Specification – must include a statement that <ul style="list-style-type: none"> • the successful candidate will be asked to apply for a Disclosure • the level of the Disclosure required • that further information about the Disclosure scheme can be found at www.disclosure.gov.uk 	Personnel
Selection process	Confirm candidate's identity and evaluate qualifications, skills and experience	Interview panel
	Make final selection on candidate subject to references and Disclosure	Person making job offer
	Formal offer of employment to state subject to references and Disclosure	Personnel
Disclosure Application	Contact CRB to request Disclosure	Personnel
	Disclosure application completed and returned to CRB	Successful candidate
	Disclosure undertaken and results notified to successful candidate and organisation	CRB
	Line manager notified of Disclosure results	Personnel
	Candidate contacted to arrange start date	Line Manager
	Candidate contacted in writing to confirm satisfactory Disclosure received	Personnel

Appendix F

POLICY STATEMENT ON THE RECRUITMENT OF EX-OFFENDERS

As an organisation using the Disclosure and Barring Service (DBS) checking service to help assess applicants' suitability for positions of trust, the Borough Council complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of conviction or other information revealed.

- The Borough Council can only ask an individual to provide details of convictions and cautions that it is legally entitled to know about. Where a DBS certificate at either standard or enhanced level can be legally requested (where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended and where appropriate Policy Act Regulations as amended), the Borough Council can only ask an individual about convictions and cautions that are not protected.
- The Borough Council is committed to the fair treatment to its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.
- This written policy on the recruitment of ex-offenders is made available to all persons applying for a position which requires a DBS check at the outset of the recruitment process.
- The Borough Council actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcomes applications from a wide range of candidates, including those with criminal records. We select all candidates for interview based on their skills, qualifications and experience.
- A DBS check is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a criminal record check is identified as necessary all job adverts and job details will contain a statement that a Disclosure check will be request in the event of the individual being offered the position.
- We ensure that all managers within the Borough Council who are involved in the recruitment process have been suitably trained to identify and assess the relevant and circumstances of offences. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.
- At interview, or in a separate discussion, we ensure that an open and measured discussion take place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to the withdrawal of an offer of employment.
- We made every subject of a criminal record check submitted to the DBS aware of the existence of the Code of Practice and make a copy available on request.
- We undertake to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment

Having a criminal record will not necessarily bar you from working for the Borough Council. This will depend on the nature of the position and the circumstances and background of your offences.

Agreed by Cabinet March 2008, Updated December 2012 to reflect change to DBS service. Updated version confirmed as still current September 2015

Appendix G

POLICY STATEMENT ON THE SECURE STORAGE, HANDLING, USE, RETENTION AND DISPOSAL OF DISCLOSURES AND DISCLOSURE INFORMATION

General Principles

As an organisation using the Disclosure and Barring Service (DBS) checking service to help assess the suitability of applicants for positions of trust, the Borough Council complies fully with the Code of Practice regarding the correct handling, use, storage, retention and disposal of certificates and certificate information. It also complies fully with its obligations under the Data Protection Act and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificates information and has a written policy on these matters, which is available to those who wish to see it on request.

Storage and Access

Certificate information is never kept on an application's personnel file and is always kept separately and securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.

Handling

In accordance with section 124 of the Police Act 1997, certificate information is only passed to those who are authorised to receive it in the course of their duties. We maintain a record of all those to whom certificate or certificate information has been revealed and we recognise that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

Usage

Certificate information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

Retention

Once a recruitment (or other relevant) decision has been made, we do not keep certificate information for any longer than is absolutely necessary. This is generally for a period of six months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep certificate information for longer than six-months, we will consult the DBS about this and will give full consideration to the Data Protection and Human Rights individual subject before doing so. Throughout this time, the usual conditions regarding safe storage and strictly controlled access with prevail.

Disposal

Once the retention period has elapsed, we will ensure that any DBS certificate information is immediately suitably destroyed by secure means, i.e. by shredding, pulping or burning. While awaiting destruction, certificate information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack). We will not keep any photocopy or other image of the certificate or any copy or representation of the contents of a certificate. However, notwithstanding the above, we may keep a record of the date of issue of a certificate, the name of the subject, the type of certificate requested, the position for which the Disclosure was requested, the unique reference number of the certificates and the details of the recruitment decision taken.

Agreed by Cabinet March 2008

Updated December 2012 to reflect change to DBS service

Updated version confirmed as still current September 2015

Pre-Screening Equality Impact Assessment

Borough Council of
**King's Lynn &
West Norfolk**



Name of policy/service/function	Child Protection Policy				
Is this a new or existing policy/service/function?	Existing				
Brief summary/description of the main aims of the policy/service/function being screened. Please state if this policy/service is rigidly constrained by statutory obligations	<p>The policy is designed to ensure the Council meets its responsibilities and safeguard children and young people from potential abuse or harm, as well as protecting itself, staff and elected members.</p> <p>The policy is based on a range of statutory requirements, most notably the Children's Act 2004</p>				
Question	Answer				
<p>1. Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups according to their different protected characteristic, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</p> <p>Please tick the relevant box for each group.</p> <p>NB. Equality neutral means no negative impact on any group.</p>		Positive	Negative	Neutral	Unsure
	Age	√			
	Disability			√	
	Gender			√	
	Gender Re-assignment			√	
	Marriage/civil partnership			√	
	Pregnancy & maternity			√	
	Race			√	
	Religion or belief			√	
	Sexual orientation			√	
Other (low income)			√		

Question	Answer	Comments
<p>2. Is the proposed policy/service likely to affect relations between certain equality communities or to damage relations between the equality communities and the Council, for example because it is seen as favouring a particular community or denying opportunities to another?</p>	No	
<p>3. Could this policy/service be perceived as impacting on communities differently?</p>	No	
<p>4. Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?</p>	No	<p>However, the policy is designed to safeguard and promote the welfare of children and young people and to ensure the Council fulfils its statutory duties in this respect.</p>
<p>5. Are any impacts identified above minor and if so, can these be eliminated or reduced by minor actions?</p> <p>If yes, please agree actions with a member of the Corporate Equalities Working Group and list agreed actions in the comments section</p>	Yes	<p>Actions: The policy provides guidance to employees and Elected Members on issues such as recognising signs of abuse and how to respond to/report any such concerns. Therefore the impact of the policy is positive and no further action is required.</p> <p>Actions agreed by EWG member: </p>
<p>Assessment completed by: Name</p>	Becky Box	
<p>Job title</p>	Personnel Services Manager	
<p>Date</p>	25 th February 2016	

Please Note: If there are any positive or negative impacts identified in question 1, or there any 'yes' responses to questions 2 – 4 a full impact assessment will be required.

Open		Would any decisions proposed :		
Any especially affected Wards	Operational	(a) Be entirely within cabinet's powers to decide YES		
		(b) Need to be recommendations to Council NO		
		(c) Be partly for recommendations to Council and partly within Cabinets powers – NO		
Lead Member: Cllr B Long		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Samantha Winter E-mail: sam.winter@west-norfolk.gov.uk Direct Dial:01553 616327		Other Officers consulted:		
Financial Implications NO	Policy/Personnel Implications NO	Statutory Implications (incl S.17) NO	Equalities Impact Assessment req'd NO	Risk Management Implications NO

Date of meeting: 24 May 2016

APPOINTMENTS TO OUTSIDE BODIES AND OTHER RELEVANT BODIES

<p>Summary</p> <p>The report seeks nominations for Executive appointments to serve on outside bodies and partnerships requiring confirmation for 2016.</p> <p>Recommendation</p> <p>1) That the Cabinet appoints representatives to serve in an Executive capacity on the outside bodies and partnerships requiring appointment in 2016 in the Appendix attached.</p> <p>2) That the reporting arrangements be noted, as shown in section 3 of the report.</p> <p>3) To note that all other appointments to Outside Bodies will be made at the Council meeting on 23 June 2016.</p> <p>Reason for decision</p> <p>To ensure continued involvement in the community by the Council.</p>

1.0 BACKGROUND

1.1 The Council is invited to nominate Councillor Representatives to serve on a number of outside bodies and partnerships with which the Council has a range of types of relationships. The majority of appointments are made annually, although some appointments are for a longer period.

2.0 INSURANCE COVER FOR BOROUGH COUNCILLORS

2.1 The Council's insurance will indemnify any employee or member arising from their service on the board or participation in the capacity of

governor, officer, trustee, director, committee member or other official of any not-for profit entity other than the insured.

Provided always that:

- a) The service or participation by the employee or member is specifically requested by or under the specific direction of the insured.
- b) The insured is legally entitled to approve the service or participation and to indemnify the employee of member in respect of it.
- c) Any payment will only be made by the insurer for an amount in excess of any indemnification or insurance coverage provided by the not-for-profit entity or afforded from any other source and to which the employee or member is entitled.

2.2 When a member is appointed to serve on an outside body, they should also ensure that as well as completing the Register of Financial and Other Interest form, they should complete the annual "Related Party Transactions form", with the details of those bodies on which they serve.

3.0 FEEDBACK FROM MEMBERS ON OUTSIDE BODIES

3.1 Arrangements for reporting back by Members serving on Outside Bodies are approved every year at Council as follows:

3.2 Each of the relevant scrutiny panels should be able to request reports from Councillors serving on outside bodies which fall within their remit. By programming the reports over the Panel's annual timetable of meetings, it would be possible for members both to assess the usefulness of making appointments to bodies and be informed of any relevant matters.

3.3 Cabinet Members serving on outside bodies will report via their Cabinet Members' reports to Council.

3.4 All are welcome to use the Members' Bulletin to report on the work of any such organisation.

4.0 APPOINTMENT OF REPRESENTATIVES

4.1 **Executive Roles** – The attached Appendix lists those bodies to which Cabinet is invited to appoint representatives to. Appointments that fall within this category are corporate in nature and fall within the portfolio responsibilities of members of the Cabinet. Alternatively, a Cabinet Member may nominate a substitute from Borough Councillors indicating a willingness to serve on a particular body. For information, the Appendix also lists any additional representatives which will be appointed subsequently in the Scrutiny, Parish and General categories.

4.2 **Scrutiny and Regulatory Roles** - Nominations for representatives to serve on bodies that are pertinent are being sought from the appropriate scrutiny panel (Regeneration & Development, Environment & Community and Corporate Performance Panel) at their meetings in May and June 2016 and will be submitted to Council for approval in June.

4.3 Parish Level Representation, Parished and Unparished Areas - Local representatives may be appointed onto specific local bodies within or related to their ward. On occasions, a body may not specifically require the Council's representative to be a Borough Councillor, in which case a community representative may be nominated by Council. Appointments will be made at Council on 23 June 2016.

4.4 General Appointments - Appointments which are of general interest to the Borough as a whole will be made at Council on 23 June 2016.

5.0 FINANCIAL IMPLICATIONS

5.1 Mileage and subsistence allowances for Councillors attending meetings.

5.2 All appointments can be made within the existing budget.

6.0 ACCESS TO INFORMATION

Current lists of Member representation
ACSeS report on liabilities of Outside Bodies

APPENDIX**EXECUTIVE APPOINTMENTS TO OUTSIDE BODIES REQUIRING CABINET APPROVAL**

<u>NAME OF OUTSIDE BODY</u>	<u>NUMBER OF REPRESENTATIVES PERMITTED</u>	<u>CURRENT REPRESENTATIVE/S 2015/16</u>	<u>TERM OF OFFICE</u>
Action for Children	1 Exec	Miss L Bambridge	Annual
Active Norfolk	1 Exec	Mrs E Nockolds	Annual
Alive Leisure Trust	1 Exec	Mrs E Nockolds	Annual
Borough Council/College of West Anglia Liaison Board	1 Exec <i>1 Scrutiny – to be appt by Council</i>	N Daubney (Exec) <i>Current Rep Mrs E Watson (Scrutiny)</i>	Annual
British Destinations	1 Exec and sub	Mrs E Nockolds and Mrs E Watson (sub)	Annual
British Resorts and Destinations Association – Policy Committee	1 Exec	Mrs E Nockolds	Annual
CNC Building Control Joint Committee	1 Exec	R Blunt	Annual
Coastshare Limited	2 Exec	N Daubney and G Hipperson	Annual
College of West Anglia Board	1 Exec	N Daubney	4 yearly. Next appointment due in 2016.
Community Action Norfolk	1 Exec	N Daubney	Annual
Downham Market Leisure Centre Joint Management Committee	1 Exec <i>2 General – to be appt by Council</i>	D Pope <i>Current Reps Mrs J Westrop and Mrs K Mellish</i>	Annual
Freebridge Community Housing – Corporate Shareholder	1 Exec	A Lawrence	Annual
Freebridge Community Housing and Borough Council Strategic Forum	3 Exec	N Daubney, A Lawrence and R Harding. NB. Terms of Reference state Members should be Leader,	Annual

		Portfolio Holder for Housing and Chief Executive.	
Hansa General Assembly	1 Exec	N Daubney	4 years
Hunstanton Green Joint Management Committee	1 Exec <i>2 Parish – to be appt by Council</i>	D Pope <i>C Bower and I Devereux</i>	Annual
Hunstanton Regeneration Project Team	1 Exec <i>3 Parish – to be appt by Council</i>	A Beales <i>Current Reps P Beal, Mrs C Bower and R Bird</i>	Annual
King's Lynn and West Norfolk Area Museums Committee	1 Exec <i>3 Scrutiny & 1 general – to be appt by Council</i>	Mrs E Nockolds <i>Current Reps Councillors T Smith, T Wing-Pentelow, Mrs A Wright and A Tyler</i>	Annual
King's Lynn Festival Board	1 Exec	Mrs E Nockolds	Annual
King's Lynn Town Centre Partnership	1 Exec and Sub <i>2 Parish – to be appt by Council</i>	G Howard and N Daubney (sub) <i>Current Reps Miss L Bambridge and Mrs A Wright</i>	Annual
King's Lynn Town Football Club	1 Exec	Paul Bland	Annual
Local Authority Company Board (Alive Management)	3 Exec	G Howard, D Pope and N Daubney	Annual
Local Government Association	1 Exec	N Daubney	
Norfolk and Waveney Enterprise Services	1 Exec	N Daubney	Annual
Norfolk Arts Forum Executive	1 Exec	Mrs E Nockolds	Annual
Norfolk Coast Partnership Management Group	1 Exec and sub	B Long and R Blunt (sub)	Annual
Norfolk County Playing Fields Association	1 Exec	D Pope	Annual
Norfolk Joint Museums and Archaeology	1 Exec	Mrs E Nockolds	Annual

Committee			
Norfolk Local Authority Tourism Group	1 Exec	Mrs E Nockolds	Annual
Norfolk Parking Partnership Joint Committee	1 Exec and sub	D Pope. + Substitute Member	Annual
Norfolk Police and Crime Panel	2 Exec	B Long and Mrs E Nockolds	Annual
Norfolk Rail Policy Group	1 Exec	C Sampson	Annual
Norfolk Records Committee	1 Exec	Mrs E Nockolds	Annual
Norfolk Waste Partnership	1 Exec and sub	B Long and N Daubney (sub)	Annual
North Lynn Discovery Centre Board	1 Exec	Councillor A Lawrence	Annual
North Norfolk Coast and Countryside – Destination Management Organisation	1 Exec	Mrs E Nockolds	Annual
Queen Elizabeth Hospital Governors Council	1 Exec	P Kunes	3 yearly
Thameslink Consortium	1 Exec	B Long	Annual
The Wash and North Norfolk Coast European Marine Site Management Scheme	1 Exec	B Long	Annual
West Norfolk Chamber of Commerce Council	1 Exec	N Daubney	Annual
West Norfolk Disability Forum	2 Exec <i>5 Scrutiny – apt by Council</i>	A Lawrence and Miss S Sandell <i>Current Reps Councillors T Bubb, M Chenery of Horsbrugh, L Bambridge, S Squire and S Fraser.</i>	Annual
West Norfolk Sports Council Management Committee	1 Exec	D Pope	Annual
West Norfolk Tourism Executive Forum	2 Exec	Mrs E Watson and Mrs E Nockolds	Annual

REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards	Operational	(a) Be entirely within cabinet's powers to decide NO		
		(b) Need to be recommendations to Council		YES
		(c) Is it a Key Decision		NO
Lead Member: Cllr B Long E-mail: cllr.brian.long@west-norfolk.gov.uk		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Emma Duncan and Samantha Winter E-mail: emma.duncan@west-norfolk.gov.uk sam.winter@west-norfolk.gov.uk Direct Dial: 616327		Other Officers consulted: Management Team		
Financial Implications NO	Policy/Personnel Implications NO	Statutory Implications (incl S.17) NO	Equal Impact Assessment NO	Risk Management Implications YES

Date of meeting: 24 May 2016

CONSTITUTION - UPDATE

Summary

The report recommends updates to the following elements of the Constitution to take into account changes in the Council scrutiny structure, and the Cabinet, also taking the opportunity to review and update them:

Part 1 – Summary and Explanation

Part 2 – Articles

Part 3 – Terms of Reference of Council Bodies including the Scheme of Delegation

Part 4 – Standing Orders

Recommendation

- 1) That Council approve the parts 1-4 of the amended Constitution.
- 2) That the Chief Executive, in consultation with the Leader be given delegated Authority to make minor amendments to the elements to resolve any anomalies which may occur.
- 3) That all elements of the Constitution be automatically updated to take into account any legislative requirements.

Reason for Decision

To ensure that Constitution is reviewed and updated in accordance with the new structure

1 Background

1.1 Following changes to the Council's Scrutiny Structure, and Cabinet membership, the opportunity has now been taken to review and update the relevant parts of the Constitution accordingly.

2 Policy Implications

2.1 The alterations to the documents are within current policies.

3 Financial Implications

3.1 There are no financial implications arising directly out of this report.

4 Statutory Consideration

4.1 The amendments to the Constitution ensure that the decision making structure is in line with the structure of the Council.

5 Risk Assessment

5.1 Updating the Constitution ensures decisions are taken in accordance with correct procedures and structures.

6 Access To Information

6.1 Previous version of the Constitution.

PART 1

SUMMARY AND EXPLANATION

The Borough Council's Constitution

- 1 The Borough Council of King's Lynn and West Norfolk has adopted a revised Constitution which is a formal statement of how the Council operates and under what rules. It describes how decisions are made and the procedures which are followed. It aims to ensure that these procedures are efficient, transparent and that those who take them are accountable to local people for them. Many of these arrangements are required by the law but many others are ones the Council has chosen.
- 2 The Constitution is divided into 16 main sections called Articles, which set out the basic rules and some more detailed procedures and codes of practice at the end of the document.

What is in the Constitution?

- 3 Article 1 of the Constitution sets out the basic purposes of the Constitution and commits the Council to provide clear leadership for the people of the Borough in a way which best serves the people's needs and interests and explains the reasons. Articles 15 and 16 deal with keeping the Constitution under review, bringing it up to date, settling any doubts about its meaning and providing limited loop-holes to meet exceptional circumstances.

What are the structures by which the Council operates?

- 4 Articles 2 - 14 explain the various parts of the Council's structures and what opportunities citizens have to influence how the Council operates. The topic of each Article is as follows:-

Public Rights

- 5 Article 3 explains the main rights which members of the public have in relation to the Council.

Council Meetings and the Mayor

- 6 Article 2 describes the Council's membership of 62 Councillors, elected every four years by voters in areas called wards, who can stand, and the role and functions of elected Councillors.
- 7 Article 4 describes those Council functions which it undertakes itself and Article 5 deals with the position of Mayor who presides at Council meetings.

- 8 The main responsibility of the Full Council is to set the budget and policy framework within which Council decisions are made. It is set out more fully in Article 3.

The Cabinet

- 9 The Council appoints a Leader and the Leader then creates a Deputy Leader and Cabinet of not more than 10 members including the Leader and Deputy Leader. The Cabinet is chaired by the Leader of the Council. The Cabinet meets regularly to exercise all Executive functions of the Council as set out in Article 7. In addition each Cabinet Member has their own portfolio and this is set out in the Scheme of Delegation to Cabinet Members within Section 2 of Part 3 of this Constitution.

Scrutiny and Overview – challenging decisions and developing policy

- 10 All public decisions taken across West Norfolk should be open to constructive ‘challenge’. Such a challenge should seek to ensure that the best possible outcomes are realised with regard to the wellbeing of the Borough’s population, both now and in the future.
- 11 Within the Borough Council this responsibility rests ~~explicitly~~ with the work of the ~~Cabinet Scrutiny Committee Corporate Performance Panel~~ in offering a discerning and constructive challenge to Cabinet and delegated executive decisions/recommendations.
- 12 Alongside this activity (within the Council’s Scrutiny and Overview function) ~~the portfolio-based~~ through the - Policy Review and Development Panels ~~(and, in a co-ordinating role, the Policy Review and Development Liaison Committee)~~ will work creatively to review and develop Council policy in line with corporate strategy and priorities – with the intention of stretching performance rather than containing it.
- 13 The Council’s Audit function is carried out by an Audit Committee which ...

Regulatory Bodies

- 13 The Council has three bodies which, like the Cabinet and unlike the Panels, can take a range of decisions on behalf of the Council. These are listed in Article 8 and all have some roles which are regulatory. They are a Planning Committee which decides on certain planning applications and development ~~decisions~~ and, a Licensing and Appeals Board and a Licensing Committee which decide on the issuing of a range of licenses and hears appeals against a range of decisions.

Additional Bodies

- 14 The Council has 2 additional Bodies, the Standards Committee (see 21 below) and the Appointments Board which deal with filling any vacant

senior posts in the Councils staff and certain panel/member appointments.

Task Groups

- 15 Task Groups are small groups of Councillors with no powers to finally decide matters but which, working on a cross-party basis and with Council Officers, look into a particular matter and produce well considered recommendations. They may carry out various tasks and are then wound up; but the main work they do is to help develop new and better policies. (Article 9)

Area Bodies

- 16 The Council ~~does not have any Area Committees or Forums. These are new kinds of bodies which may be set up by the Council, with or without the power to take certain decisions locally on behalf of the Council if that seems likely to be a better way of meeting local needs. If any are contemplated, the Council will first consult fully with any parishes in the area in question. (Article 10)~~The Council has a King's Lynn Area Consultative Committee, which acts as a Consultative forum made up of King's Lynn Councillors to consider any issues pertinent to King's Lynn.

Co-operating with Other Organisations

- 17 Article 11 covers the making of joint arrangements with other public authorities and private organisations where the Council judges that it would be likely to be a better way of meeting local people's needs.

Council Staff

- 18 Article 12 sets the ground rules for employing Council staff and deals with the three special posts every Council must have to ensure that councillors do not exceed their powers or misbehave. Many day to day decisions are the responsibility of Council staff and these are set out in the scheme of delegation.

Good Decisions

- 19 Article 13 gives details of the rules governing how decisions generally must be taken in the best interests of local people and Article 14 does the same for financial legal decisions.

Councillors

- 20 The Council has 62 councillors who are 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 constituents, including those who did not vote for them.

- 21 Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Standards Committee trains and advises them on the code of conduct and determines ~~matters- complaints~~ referred to it by ~~Standards- Board- for England-~~the Council's Monitoring Officer.

Key Decisions List

- 22 Each Month the Council will publish a ~~Forward~~ Plan called the ~~Key~~ Forward Decisions List which will list all the Key Decisions that are to be considered by the Cabinet over the next ~~4 months~~. Details relating to decisions made are set out in Article 13.

Public Participation

- 23 There are several ways in which members of the Public can make their views known on issues, influence decisions and raise issues that concern them. These include:-
- Responding to consultation exercises e.g. surveys and questionnaires
 - Lobbying Councillors
 - Writing to Councillors or Council Offices
 - Asking questions at Council Meeting
 - Public Speaking at Planning Committee
 - Scrutiny and Overview Function

PART 2

CONSTITUTION OF THE BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

Article 1 — The Constitution

Purpose of the Constitution

- 1.01 The purpose of the Constitution is to regulate how the Borough Council operates. In particular:
- (a) to enable the Council to provide clear leadership to the Borough in partnership with local people and organisations;
 - (b) to encourage the active involvement of local people in the processes of local government decision-making;
 - (c) to help councillors represent local people more effectively;
 - (d) to create effective means for decision-makers to be held to account publicly;
 - (e) to ensure that no one directly involved in a decision will then scrutinise how that decision was reached;
 - (f) to ensure those responsible for making decisions are clearly identifiable by local people and will explain the reasons for those decisions; and
 - (g) to provide a means of improving the quality of services provided to the community.

Powers of the Council

- 1.02 The powers and duties of the Council must all be exercised in accordance with relevant law (which is sometimes summarised in context for convenience) and the additional rules in this Constitution.
- 1.03 The Constitution of the Borough Council of King's Lynn and West Norfolk consists of the main Articles in this document and all its appendices (called Parts 1 to 5).

Choosing Options within the Constitution

- 1.04 Where the Constitution allows the Council to choose between different courses of action, it will always be the duty of the Council to choose that option which it considers best serves the purposes listed above.

Article 2 — Members of the Council

Composition and Eligibility

- 2.01 The Council consists of 62 members, called councillors. They are elected by the voters in areas which are created as Borough Wards in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State and which is reviewed periodically.

2.02 To be eligible to hold the office of councillor, a person must be registered to vote in the Borough or must live or work in it.

Election Time and Term of Office

2.03 The regular election of councillors will ordinarily be held on the first Thursday in May in ~~2003-2015~~ and every fourth year after that.

Roles and Functions of Councillors

2.04 The main functions of councillors are:

- (a) together to decide on the most important policies and carry out major local government functions;
- (b) to work for the good government of the Borough and actively encourage local people and organisations to be involved in decision making;
- (c) to represent effectively the interests of their wards and of individual people;
- (d) to deal fairly with the people they represent;
- (e) to take part in the management of the Council's operations; and
- (f) to maintain the highest standards in the conduct of Council business

Rights and Duties of Councillors

2.05 Subject to legal safeguards, councillors have rights of access to documents, information, land and buildings held by the Council so far as is necessary to perform their functions properly.

- (a) Except with the permission of the Council, councillors must not give out information which is given to them in confidence to anyone not entitled to have it.
- (b) Confidential information is defined in the Access to Information Rules in Part 4 of this Constitution and is limited by law.

2.06 At all times, councillors must obey the Borough Council of King's Lynn and West Norfolk code of conduct and a code of councillor-officer relations which are set out in Part 5 of this Constitution.

2.07 Councillors are entitled only to those financial allowances set out in a scheme in Part 6 of this Constitution. The scheme must be reviewed by the Council at least annually. The published advice of an independent panel must be considered by the Council in deciding this scheme.

Article 3 — Citizens and the Council

Citizens' Rights

3.01 Citizens have the following rights.

- (i) Voting and petitions.

Citizens on the electoral register for the Borough have the right to vote and to sign a petition, including one to require a referendum to be held on having a Mayor, elected directly by local citizens, who would have the executive powers as defined in this Constitution.

(ii) Information.

Citizens have rights to information which are explained in more detail in the Access to Information Rules in Part 4 of this Constitution. They may:

- (a) attend meetings of the Council and its committees/panels/boards except when information is likely to be disclosed which it is lawful and desirable for the Council to treat as confidential;
- (b) attend meetings of the Cabinet when key decisions are being considered;
- (c) find out what key decisions will be taken by the Cabinet and when;
- (d) see reports which are presented to the Council and the Cabinet (and the background papers) and records of decisions made; and
- (e) inspect the Council's financial accounts and make their views known to the external auditor.

(iii) Participation.

Citizens have the right to participate in the Council's processes in a range of ways set out in the relevant parts of the Council's Rules of Procedure in Part 4 of this Constitution.

(iv) Complaints.

Citizens have the right to complain:

- (a) through a procedure of the Council itself (appended);
- (b) to the local government 'ombudsman', if not satisfied after using the Council's own complaints procedure; and
- (c) to the Council's ~~Standards Committee~~ Monitoring Officer about any breach of the Borough Council of King's Lynn and West Norfolk's Code of Conduct.

Article 4— The Council

Functions of the Council

4.01 The Council itself will normally perform the following functions and only exceptionally and when it is lawful, will it delegate them to any committee or officer

- (a) adopting and changing the Constitution;
- (b) approving or adopting the Council's policy framework and the budget
- (c) subject to the urgency procedure in Part 4 of this Constitution, making decisions about any matter which has been delegated to others and which the decision maker is intending to make in a way which would be contrary to the policy framework or not wholly in accordance with the budget;
- (d) election of Mayor and Deputy Mayor
- (e) deciding who shall be the Leader of the Council (for a four year period) ;

- (f) deciding and amending the terms of reference for Council's main committees, their composition and appointing their members;
- (g) appointing councillors to other Council bodies and ensuring that such bodies are politically balanced as required by law;
- (h) appointing representatives to outside bodies except in cases where this function has been delegated by the Council;
- (i) adopting and reviewing a members' allowances scheme under Article 2;
- (j) changing the name of the area;
- (k) conferring the title of honorary alderman or the freedom of the borough;
- (l) making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local or personal Bills in Parliament;
- (m) all the functions set out in Part 3 of this Constitution which by choice the Council has decided should be performed by itself rather than by the Cabinet; and
- (n) any other matters which, by law, must be decided by the Council.

Definitions

(i) **Policy framework** The policy framework includes the following plans, schemes and strategies (this is not an exhaustive list):-

-
- ~~Community Strategy;~~
- ~~Crime & Disorder Reduction Strategy;?~~
- Local ~~Plan~~Development Framework?
- Corporate Strategy
- Cultural Strategy?
- Economic Development Strategy?
- Treasury Management Strategy
- Risk Management Strategy
- Health and Safety Strategy
- Equality Strategy
- Asset Management Plan
- Procurement Strategy

(ii) **Budget** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council tax base, setting the council tax, and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of limits on flexibility within the expenditure allocations (virement).

Council Meetings

4.02 There are three types of Council meeting:

- (a) annual meetings;
- (b) ordinary meetings; and
- (c) extraordinary ("special") meetings;

and they must be conducted in accordance with the Council's Rules of Procedure set out in Part 4 of this Constitution.

Responsibility for functions

- 4.03 Part 3 of this Constitution sets out the responsibilities for the Council's functions which are not reserved for the Council itself to perform and not delegated to the Cabinet to perform.
- 4.04 Subject to Article 13.04, the Council shall follow the Rules of Procedure set out in Part 4 of this Constitution.

Article 5— The Mayor and the Chairing of the Council

- 5.01 The Mayor and the Deputy Mayor will be elected by the Council at its annual meeting. The Mayor or, if unavailable, the Deputy Mayor, will have the following responsibilities:
- (a) to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
 - (b) to chair 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 people of the Borough;
 - (c) to help to make Council meetings a forum for the debate of matters of concern to the people of the Borough and for members who are not in the Cabinet to be able to hold Cabinet members to account;
 - (d) to promote public involvement in the public life of the Borough;
 - (e) As the 'first citizen' of the Borough, the Mayor is accorded ceremonial precedence over everyone in the Borough (unless we have a member of the Royal Family visiting) and is seen as a symbol of authority, depicted by the robe, chains of office, sword and the mace. The Mayor attends functions throughout the Borough and, by taking the Council's message and themes into the community, greatly assists the Council's social, community and economic aims.

Article 6 - Scrutiny and Overview Committees

Structure of the scrutiny and overview function

- 6.01 The Council's Scrutiny and Overview responsibility is fulfilled through the combined functionality of the ~~Cabinet Scrutiny Committee~~, Policy Review and Development Panels ~~and a co-ordinating Scrutiny and Overview Liaison Committee~~.
- (a) The ~~Cabinet Scrutiny Committee~~ Corporate Performance Panel shall scrutinise and may directly challenge the Cabinet and delegated decision-makers.
 - (b) The Policy Review and Development Panels shall work both i.) reactively to review existing policy and its delivery and ii.) proactively to develop revised or new policy and review the forward Decisions. iii.) Scrutinise Decisions taken after 30 days~~???~~ have lapsed.
 - ~~(c) The Scrutiny and Overview Liaison Committee will oversee and facilitate the co-ordination of work amongst the above bodies in (a) & (b) and shall be the "Senior" scrutiny and overview body.~~

(dc) Scrutiny and Overview Panels may have any matter included for discussion on the agenda of a relevant Scrutiny and Overview Body.

~~((ed)~~ Other non-executive members (i.e. those not sitting on ~~the Cabinet Scrutiny Committee or any of~~ the Policy Review and Development Panels) may put any matter for discussion forward for inclusion on a relevant Scrutiny and Overview agenda. In such instances, inclusion of the matter is at the discretion of the relevant Scrutiny and Overview body's Chairman and Vice-Chairman, in consultation with the relevant officers, ~~...~~ The decision, on whether to approve inclusion or not, then being reported under Chairman's Correspondence at the body's next meeting. The following factors would be influential in arriving at such a decision:

- i.) the appropriateness of the item to the relevant Panel's/ Committee's remit;
- ii.) any similar items that may already be on work programmes/ schedules;
- iii.) existing workloads and priorities (these would not preclude the item from consideration but may affect the scheduling of such consideration).

~~(e) The Opposition may place 1 item onto any Panel agenda where it will be discussed.~~

6.02 Subject to Article 13.04, scrutiny and overview bodies shall follow the Rules of Procedure set out in Part 4 of this Constitution relating to overview and scrutiny.

~~Co-ordination of Scrutiny and Overview function~~

~~6.03 — There shall be a Scrutiny and Overview Liaison Committee consisting of the chairs of f the Policy Review and Development Panels and the Chair of the Cabinet Scrutiny Committee. Political proportionality within this body has been waived (subject to Section 17.1b of the Local Government and Housing Act 1989). It will be chaired on a rotating arrangement by the Chairs of the Policy Review and Development Panels and shall be classed as the senior Scrutiny and Overview Body.~~

~~Role of the Scrutiny and Overview Liaison Committee~~

~~6.04 — The Scrutiny and Overview Liaison Committee shall:~~

- ~~(a) — make recommendations to the Policy Review and Development Panels as to items of work they may wish to schedule as a result of cabinet scrutiny activity;~~
- ~~(b) — determine which Policy Review and Development Panel(s) should deal with any matter in cases of doubt or dispute, or make arrangements for joint working between panels.~~
- ~~(c) — oversee the work of the Policy Review and Development Panels and intervene if necessary to avoid duplication and assist in managing cross-cutting policy review and development work;~~
- ~~(d) — ensure progress across the overview function and monitor and co-ordinate workloads of the Policy Review and Development Panels.~~
- ~~(e) — report annually to the full Council on the overall functioning of Policy Review and Development Panels and make recommendations on future working methods and arrangements.~~

~~6.05 — For the avoidance of doubt, the Scrutiny and Overview Liaison Committee shall not have powers to review recommendations from the Policy Review and Development Panels, or to dictate what~~

~~matters shall or shall not be considered. In their co-ordination role, however, they may choose to ensure an appropriate prioritisation of matters to be considered.~~

Role of Cabinet Scrutiny Committee

~~6.06 The Council will appoint a Cabinet Scrutiny Committee and describe what they will do and how they will do it in accordance with the terms of reference in its Rules of Procedure. Political proportionality within this body has been waived (subject to Section 17.1b of the Local Government and Housing Act 1989).~~

Role of the Policy Review and Development Panels

~~6.03 The Council will appoint Policy Review and Development Panels (complying with the rules about political proportionality under sections 15-17 of the Local Government and Housing Act, 1989) and describe what they will do and how they will do it in accordance with the terms of reference in its Rules of Procedure.~~

~~6.04 Policy review and development work should, where possible, be carried out through the relevant Policy Review and Development Panels as part of the Scrutiny and Overview function within the Council.~~

~~6.05 Policy Review and Development Panels are the principal vehicle for assisting the Council and the Cabinet in the review and development of policy (including budget policy). To this end they may:~~

- ~~(a) call on other councillors and senior Council officers to share their views and experience relevant to the policy under consideration;~~
- ~~(b) encourage participation by members of the public, relevant outside organisations and other local authorities; and~~
- ~~(c) within the Council's arrangements and budget, commission or conduct inquiry, research and consultation in analysing policy issues and options.~~
- ~~(d) liaise with external organisations to enhance collaborative working~~

~~6.076 In addition to the general ~~†~~The ~~Cabinet Scrutiny Committee~~Corporate Performance Panel shall:~~

- ~~(a) within 30 days of the decision scrutinise decisions, and recommendations to Council made by members on the delegated authority of the Council or in implementation of policy by the Cabinet provided that there shall be one opportunity only to close in respect of any decision or group of decisions; (NB after 30 days of a decision being made, any requisite review becomes the responsibility of the relevant Policy Review and Development Panels.)??~~
- ~~(ba) consider subject to Standing Order 12.6 all 'called in' decisions and recommendations to Council and decide whether to refer the outcome to Council or the Cabinet within 30 days.~~
- ~~(eb) make reports and/or recommendations to the full Council and/or the Cabinet in connection with the discharge of any of their functions.~~
- ~~(dc) report annually to the full Council on the work that they have completed during the preceding 12 months.~~
- ~~(ed) be directly accountable to, and subject to the direction of, the full Council~~

Role of the Policy Review and Development Panels

~~6.08 — The Council will appoint Policy Review and Development Panels (complying with the rules about political proportionality under sections 15-17 of the Local Government and Housing Act, 1989) and describe what they will do and how they will do it in accordance with the terms of reference in its Rules of Procedure.~~

6.0907 With respect to the matters they choose to examine within their individual remits, the Policy Review and Development Panels will generally:

- (a) consider matters affecting the Borough or local people;
- (b) assist in advancing the development of effective policy for promoting or improving the economic, social and environmental wellbeing of the people and communities of King's Lynn and West Norfolk;
- (C) question members of the Cabinet and senior officers about their decisions and performance, whether generally in comparison with service plans and targets over time, or in relation to particular decisions, initiatives or projects;
- (d) review the performance of other public bodies in the area and invite reports from them by requesting them to address the relevant Policy Review and Development Panel about their activities and performance;
- (e) question and gather evidence from any other willing person.
- (f) make reports and/or recommendations to the full Council and/or the Cabinet in connection with the discharge of any of their functions.
- (g) report annually to the full Council ~~through the Scrutiny and Overview Liaison Committee~~ on the work that they have completed during the preceding 12 months.??
- (h) examine the Cabinets ~~Forward Decision~~ List of Key Decisions and request additional information as and when deemed necessary.

Article 7 - The Cabinet

Role

7.01 The Council's executive body shall be known as the Cabinet and shall carry out all functions which are not the responsibility of any other part of the Council or are prohibited from being an Executive function at law.

Composition

7.02 The Cabinet shall consist of not more than ten members including its Chair who is Leader of the Council. The Leader shall determine the number of other Councillors to be cabinet members and appoint them, one as Vice- Chairman. The Leader shall hold office for a four year period, appointed at the first ~~annual Annual meeting Meeting~~ following the Borough Council Elections until the Annual meeting immediately following those elections (*Local Government and Public Interest in Health Act 2007*) , unless the Council resolves to remove them from the position or until their resignation .

Proceedings of the Cabinet

7.03 Subject to Article 13.04, the proceedings of the Cabinet shall be conducted in accordance with the Rules of Procedure set out in Part 4 of this Constitution relating to executive functions.

Responsibility for functions

7.04 Part 3 of this Constitution sets out who will be responsible for each of the Council's executive functions known as the Scheme of Delegation, which may be performed by the Cabinet as a whole, a cabinet committee, a Cabinet ~~member~~Member, Council officers or a combination of any of these.

7.05 Other Cabinet Members shall be appointed by the Leader and shall hold office until removed from office by the Leader, ~~or~~ until resignation or until the Cabinet Member ceases to be a member, which ever shall be the sooner. Cabinet Members each hold a Portfolio as set out in Part 3 of the Constitution and this sets out the functions delegated to each portfolio holder and the limitations on that delegation.

Article 8 —Other Boards and Committees of the Council

Regulatory and other Boards

8.01 The Council will appoint the following Committee and Boards to perform the functions set out in Part 3 of this Constitution as being their responsibility. They will operate with the remits and terms of reference and subject to the relevant Rules of Procedure set out in Part 4 of this Constitution.

- (a) Standards Committee
- (b) Planning Committee
- (c) Licensing and Appeals Board
- (d) Licensing Committee
- (d) Appointments Board
- (e) Audit Committee

Article 9 - Task Groups

Task Groups

9.01 The Council, the Cabinet and any Council body may establish temporary Task Groups to undertake specific work within the remit of the body which establishes them and to report to that body. Policy Review and Development Panels may establish joint Task Groups. Task Groups may not be authorised to exercise the powers of the Council. Task Groups shall operate until they have completed their tasks unless they are disbanded sooner by the Bodies which established them.

Composition

- 9.02 Unless the Leader of each registered Political Group agrees to the contrary, Task Groups will be appointed in accordance with the rules on political proportionality contained in the Local Government and Housing Act 1989 and having regard to Councillors' particular interests, expertise and willingness to participate.
- 9.03 For the purpose of making appointments in compliance with Article 9.03, a register of councillors' interests, expertise and willingness to participate shall be maintained.?????

Policy Review and Development

- ~~9.04 — Policy review and development work should, where possible, be carried out through the relevant Policy Review and Development Panels as part of the Scrutiny and Overview function within the Council.~~
- ~~9.05 — Policy Review and Development Panels are the principal vehicle for assisting the Council and the Cabinet in the review and development of policy (including budget policy). To this end they may:~~
- ~~(a) — call on other councillors and senior Council officers to share their views and experience relevant to the policy under consideration;~~
 - ~~(b) — encourage participation by members of the public, relevant outside organisations and other local authorities; and~~
 - ~~(c) — within the Council's arrangements and budget, commission or conduct inquiry, research and consultation in analysing policy issues and options.~~

~~(d) — liaise with external organisations to enhance collaborative working~~

9.06 Informal Working Groups (Scrutiny and Overview Function)

Instead of introducing an additional formal body to the process, through setting up a Task Group (with its accompanying demands on time and valuable resources), Policy Review and Development Panels may find it expeditious to carry out basic research (evidence gathering and preliminary analysis) through the use of what are termed Informal Working Groups:

- (a) these Working Groups are not formal Council Bodies but are simply subsets of a Policy Review and Development Panel (including other invitees as the Panel sees fit) which will work quickly and informally, within tight terms of reference defined by their respective Panel, to effect evidence gathering and preliminary analysis. The responsible Panel will then formally consider these findings and develop them (with further research as necessary) into a full report and recommendations.
- (b) The use of Informal Working Groups should simply be seen as a semi-structured means of quickly moving review-type work forward. They present Policy Review and Development Panels with an opportunity to: [i] make the most of Councillors interests and experience; [ii] draw in other interested/experienced Councillors; and, [iii] invite in external experts or possibly other members of the public with a direct stake or experience in the subject matter. Members and those outside of the authority may be more inclined to be involved in an apparently less bureaucratic approach.

Article 10 - Area Committees and Forums

~~10.01 The Council may appoint area committees and forums and delegate to, or take back authority from, an Area Committee if it considers that to do so will serve the purpose of the Constitution set out in Article 1.~~

~~10.02~~ The Council will consult with relevant local authorities when considering whether and how to establish area committees or forums. The Council has a King's Lynn Area Consultative Committee which is made up of King's Lynn Councillors. It acts as a consultative body and considers matters relating specifically to King's Lynn.

Article 11 — Joint Arrangements

Arrangements to promote Well Being

11.01 In order to promote the economic, social or environmental well being of the Borough, and if it considers that to do so will serve the purposes of the Constitution in Article 1, the Council may:

- (a) make 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 such a person or body any of their functions.

Joint Arrangements

11.02 Details of any joint arrangements, including any delegations of the Council's powers to joint committees or joint executive functions, will be included in the Council's scheme of delegation in Part 3 of this Constitution.

- 11.03 Decisions whether or not to make joint arrangements shall be reserved to the Council or the Cabinet in respect of Joint Executive Functions.

Access to Information

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

Article 12 — Council Employees

Staffing Structure

- 12.01 The Council may engage such employees as it considers necessary to carry out its functions.
- 12.02 In Part 4 of this Constitution, the Council will designate the posts held by certain of its employees (a) as chief officers and (b) three separate posts which will be held by 3 separate individuals as including the following roles which are required by Statute:
- (a) Head of the Paid Service.
- (b) Chief Finance Officer.
- (c) Monitoring Officer.
- 12.03 Such posts will have the functions described in Articles 12.05 — 12.06 below and will have authority to designate appropriate fellow employees as their deputies to undertake their duties if they are not available to perform them.
- 12.04 The Head of the Paid Service will publish a description of the overall staffing structure of the Council showing the management structure and the deployment of employees. This is set out at Part 7 of this Constitution.

Functions of the Statutory Posts

- 12.05 The officer designated as the Head of the Paid Service will report to the Council on how the performance of the Council's functions is co-ordinated, the numbers and grades of employee required for this, and how they are organised.
- 12.06 The officer designated as the Monitoring Officer will have the duties of:
- (a) maintaining an up to date authoritative edition of the Constitution;
- (b) after consulting with the Head of the Paid Service and Chief Finance Officer, reporting to the Council (or to the Cabinet in relation to an executive function, or to another Board in relation to functions delegated to it) if they consider that any proposal, decision or omission would give rise to unlawfulness or has given rise to maladministration. (Such a report will have the effect of stopping the proposal or decision being implemented until this report has been considered.);

- (c) contributing to the promotion and maintenance of high standards of conduct ~~through the provision of support to the Standards Committee;~~
- (d) ~~receiving and acting on reports made by the ethical standards officers and on decisions of case tribunals;~~
- (e) conducting investigations including into complaints made about Borough and Parish Councillors matters referred by ethical standards officers and making reports or recommendations in respect of them if necessary to the Standards Committee;
- (f) ensuring that executive decisions, together with the reasons for those decisions and relevant background papers, are made publicly available as soon as possible;
- (g) advising whether decisions of the Cabinet are in accordance with the budget and policy framework; and
- (h) providing advice to all councillors on the scopes of powers and authorities to take decisions, and on maladministration, financial impropriety, probity and budget and policy framework issues.

12.07 The officer designated as Chief Finance Officer will have the following duties.

- (a) after consulting with the Head of the Paid Service and the Monitoring Officer, reporting to the Council (or to the Cabinet in relation to an executive function) and to the Council's external auditor if they consider that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or shortfall in income, or if the Council is about to enter an item of account unlawfully.
- (b) responsibility for the administration of the financial affairs of the Council.
- (c) contributing to the corporate management of the Council, in particular through the provision of professional financial advice;
- (d) providing advice and support to all councillors and officers in their respective roles on the scopes of powers and authorities to take decisions, and on maladministration, financial impropriety, probity and budget and policy framework issues; and
- (e) providing financial information to the news media and members of the public.

12.08 The Council will provide the Monitoring Officer and Chief Finance Officer with such ancillary officers, accommodation and other resources as those statutory officers consider are sufficient to allow their duties to be performed.

Conduct of Employees and Councillors

12.09 Officers and Councillors shall comply with the Protocol on Relations between Officers and Members set out in Part 5 of this Constitution and the Officers' Code of Conduct.

Employment

12.10 The recruitment, promotion and dismissal of officers shall comply with the Officer Employment Rules set out in Standing Orders 20 to 24 as set out in Part 4 of this Constitution.

Article 13 - Decision making

Responsibility for decision making

13.01 Part 3 of this Constitution sets out who is responsible under the current arrangements for taking decisions in relation to each of the Council's functions.

Principles of Decision Making

- 13.02 All decisions on behalf of the Council shall be made in accordance with the following principles.
- (a) Any action or omission that is authorised by the Council must be intended to have an effect proportionate to the desired effect.
 - (b) Decisions should not be made on behalf of the Council without seeking, receiving and having regard to the professional advice of officers.
 - (c) Respect must be had for the human rights of all persons involved.
 - (d) There should be a presumption in favour of making decisions publicly.
 - (e) Whenever practicable, and in any event whenever it is required by law, the Council will seek to consult those having a particular interest in it before making a decision.

Process of Decision Making

- 13.03 Decisions relating to the functions listed in Article 4.01 shall be made by the Council and not delegated.
- 13.04 The Council, councillors and officers, when acting as a tribunal or in any quasi-judicial capacity or deciding or considering the civil rights and obligations or the criminal responsibility of any person, shall (rather than simply giving advice) follow a process which respects the requirements of natural justice and fair trial in accordance with Article 6 of the European Convention on Human Rights.
- 13.05 Subject to Article 13.04, all persons taking part in decision making on behalf of the Council shall comply with the relevant provisions of Part 4 and of any other relevant parts of this Constitution.
- 13.06 “Key decisions” are defined as those which are likely:
- (a) to result in the Council incurring expenditure which is significant or the making of savings which are significant - having regard to the Council's budget for the service or function to which the decision relates; or
 - (b) to be significant in terms of their effects on people living or working in an area comprising two or more wards in the Borough.

Significant under (a) above is defined within this Borough as £250,000+ and significant under (b) above is detailed as one third or more of the resident population of a ward.

Article 14 - Financial and Legal Rules

- 14.01 The Council's financial business shall be regulated by the rules set out in Part 5 of this Constitution.
- 14.02 Every contract made by the Council and all procurements negotiated for the Council shall comply with the rules set out in Part 6 of this Constitution.
- 14.03 Unless any law authorises or requires otherwise, the f Legal - Services Manager shall be authorised to

- (a) 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 he/she considers that such action is necessary to protect the Council's interests;
- (b) to authenticate by signing any document which is necessary for any legal procedure or proceedings on behalf of the Council;
- (c) to keep custody of the Common Seal of the Council.
- (d) to provide evidence of the sealing of any document with the Common Seal of the Borough.

14.04 A decision of the Council, the Cabinet or any duly authorised representative, shall be sufficient authority for sealing any document necessary to give effect to that decision.

Article 15 - Review and Revision of the Constitution

Duty to Review the Constitution

15.01 The Council shall review the operation of this Constitution to ensure that the purposes and principles of the Constitution are given full effect. Such a review may be initiated by the Council at any time but shall be initiated at least once during the period between regular elections to the Council. In the absence of a resolution so to do by the third anniversary of a regular election, a review shall be deemed to have been initiated on the authority of this Article.

15.02 A review may be comprehensive or take the form of a programme dealing separately with particular Articles or Parts. In the latter case, the default provision in Article 15.01 will apply to any Article or Part not reviewed further to a resolution of the Council during the previous three years. Alongside or as part of this process the Monitoring Officer may make recommendations to Council on ways of improving the constitution and in so doing may:-

- Observe different meetings of the council
- Undertake audit trails of decisions
- Respond to issues raised with him/her by members, officers or others
- Compare best practice from other authorities and similar bodies

Duty to Monitor the Constitution

15.03 The Council's designated Monitoring Officer, will offer advice to the Council on

- (a) establishing means of monitoring the operation of the Constitution, which will provide evidence when it is required of its success in giving full effect to its purposes and principles, and
- (b) the process to be followed when reviewing is undertaken. In formulating this advice, the Monitoring Officer shall take into consideration the guidance published by the relevant government department.

Changes to the Constitution

15.04 **General** Changes to the Constitution may be made only by the Council after consideration by the Cabinet. The Monitoring Officer may unilaterally approve drafting changes to the Constitution where they correct obvious errors, to take into account changes in legislation or better give effect to the clear intention of the Constitution.

15.05 **Change of form of Executive** The Council will consult local people before determining whether to change to either an elected mayor and cabinet or an elected mayor and council manager.

Article 16 - Interpretation and Publication of the Constitution

Suspension of the Constitution

16.01 **Limit to suspension** The Articles of this Constitution may not be suspended. Provisions within the appended Parts may be suspended to the extent, and in the manner, permitted within each Part. Where a rule reflects the law, suspension of the rule will not affect the force of the law.

16.02 **Procedure to suspend** A motion to suspend any rules in any Part may not be moved without notice unless at least one half of the whole number of councillor members of the body in question is present. The extent and duration of suspension must be proportionate to the intended result which must take into account the purpose of the Constitution set out in Article 1.

Interpretation of the Constitution

16.03 The ruling of the chair of any formal meeting as to the meaning or effect of this Constitution, or any proceedings of the Council or any part of the Council, shall not be challenged during that meeting. Chairs making rulings must have regard to the purpose of this Constitution set out in Article 1.

Publication

16.04 The officer designated as Head of the Paid Service shall:

- (a) Provide a ~~printed~~ copy of this Constitution to each councillor on receiving that person's declaration of acceptance of office on being elected to the Council.
- (b) Ensure that ~~copies are it is~~ available for inspection at Council offices, local public libraries and can be purchased by members of the public on payment of a reasonable set fee which shall not exceed the additional cost of making (and if applicable sending) a copy.
- (c) Ensure that the current edition of a summary of this Constitution adopted by the Council is made widely available in the Borough via the Council's Web site.-

Definition of Executive Arrangements

16.07 The following elements of this Constitution constitute the "executive arrangements" for legal purposes, together with the arrangements in Part 3 for assigning responsibility for Council functions and the rules in Part 4 which are relevant to each.

- (a) Article 6 Scrutiny and Overview
- (b) Article 7 The Cabinet
- (c) Article 9 Task Groups
- (d) Article 10 Area Committees and Forums
- (e) Article 11 Joint Arrangements
- (f) Article 13 Decision Making

PART 3
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Part 3

1 REMITS AND TERMS OF REFERENCE OF COUNCIL BODIES

Context

- 1 Further to Articles 4, 7, 8 and 10, this section of Part 3 of the Constitution provides detail of the functions which, by choice, the Council has decided to exercise itself, and those which are given by law, or by choice of the Council, to the various Council bodies or any Area Committees.
- 2 For convenience of reference, these are set out, alongside other relevant arrangements, in a separate Appendix for each Council Body.
- 3 Section 2 sets out the standing delegations made by the Cabinet of its functions to individual Cabinet members or to Council Officers.
- 4 Section 3 sets out the standing delegations made by the Council to ~~individual Council Officers~~the Planning Committee and its Officers.

Appendices

A - Appointments Board

Composition

- A.1 The Appointments Board shall consist of up to nine members and no councillor shall be disqualified from appointment by membership of any other Council body.
- A.2 For the making of general arrangements for its operation, and for the selection of a Chief Executive, the whole Board shall be convened; but it shall not be required to involve all of its members in all parts of the selection process for a Chief Executive.
- A.3 Panels of the Board may be used for making other appointments. The Chairman, in consultation with the Chief Executive, shall designate at least five members to form Appointments Panels which shall be authorised to perform all the functions of the Board in relation to that appointment.
- A.4 In designating the members to form Appointments Panels, and in advising on it, the Chairman and the Chief Executive respectively shall have regard to political proportionality, to the responsibilities of members in relation to the duties attaching to the post to be filled, and to the need for any substitution of members.

Functions Referred to the Board and the Terms of their Reference

- A.5 Within the employment policies and procedures established by the Council, the Appointments Board shall make the general arrangements for selecting “chief officers” and, following a decision to operate the process of selection set out in Standing Order 23, shall conduct the process in accordance with that Standing Order.
- A.6 In consideration of the nature of a particular post falling within the legal definition for appointment purposes of “chief or deputy chief officer”, the Council, when authorising the operation of the selection process, may choose for the selection to be made by the process which would apply to a post not normally fillable by the Appointments Board.
- A.7 Within the procedures established by the Council, the Appointments Board shall appoint persons to the Councillors’ Independent Allowances Panel and to the non-councillor places on the Standards Committee (subject to the involvement of the Chairman/Vice Chairman).

B - Cabinet

Cabinet

- B.1 The Cabinet shall be responsible for the detailed implementation of policies established by the Council within the budgetary framework and the determination of Key Decisions within that framework.
- B.2 The detailed duties are those prescribed by law together with any which the Council has chosen to delegate to the Cabinet where it is lawful to do so.

Terms of Reference

- B.3 The functions delegated to the Cabinet are initially delegated to the Cabinet as a body and it shall be responsible collectively for their performance whether collectively or by an individual ~~portfolio holder.~~Cabinet Member.
- B.4 The Cabinet is authorised to delegate any of those functions, or any part of them, to committees of Cabinet ~~members.~~Members or individual Cabinet ~~m~~Members or to senior officers of the Council.
- B.5 All such delegations shall be minuted and, whenever such delegation is on an on-going basis (rather than to implement a particular decision), it shall form part of the standing delegation to Cabinet Members (Section 2)
- B.6 The Cabinet shall review its general delegation arrangements annually.

Powers and Duties

The Cabinet shall have the following duties.

- B.7 Be the source of timely reports to the Council to enable it to take decisions on matters reserved to the Council to decide and which form Part 1 of the list in Appendix F.~~....~~
- B.8 Exercise any function, duty or power that is not reserved by the Council to itself or delegated by the Council to any other Council Body unless it is proscribed by law.
- B.9 Deliver all Council services within the Council's approved policy and budgetary framework.
- B.10 Take any action which is not delegated to any other Council Body that is necessary to protect the Council's interests. Any such action shall be reported to the next Ordinary Meeting of the Council.
- B.11 Make recommendations to the Council on corporate, strategic and service policies and programmes.
- B.12 Operate and monitor the Council's financial resources and make recommendations to the Council on the setting of the Council's budget, the level of Council Tax and any other financial or budgetary matter.
- B.13 Make recommendations on the annual budget of each Service having regard to the Council's agreed overall budget, strategy and targets.
- B.14 Act on behalf of the Council in consulting with Council Tax and Non-domestic Rate payers about the Council's proposals for revenue and capital expenditure.
- B.15 Control, co-ordinate and review the Council's operational framework, functions and resources within the Council's overall budgetary and policy framework.
- B.16 Consult with other bodies/internal and external insofar as this may be required by law, the Council's Standing Orders or any protocol.

- B.17 Determine applications for grants.
- B.18 Appoint representatives to outside bodies in so far as this is authorised by the Council.
- B.19 Make a compulsory purchase ~~order under any Act of Parliament that confers this power upon the Council provided within Policy and Budget.~~

The Cabinet may also:-

- B.20 Vire funds in accordance with the Council's financial regulations.
- B.21 Refer any matter to the Council for its consideration.
- B.22 Commission research into any matter.
- B.23 To hold an enquiry into a particular issue or issues relating to the Borough or the Council.

NB – List of Cabinet Members Responsibilities is appended

C - Planning Committee

Composition

- C.1 The Planning Committee shall consist of up to eighteen members (who must undertake relevant training before taking up the position.). No councillor shall be disqualified from appointment by membership of any other Council body provided that no more than three members shall be elected from among the ~~members~~Members of the Cabinet.

Terms of Reference

- C.2 Subject to complying with any relevant legal requirements, the Committee shall apply such policies, procedures and consultative processes as the Council shall determine.

Functions Referred to the Committee

The Committee shall have the following functions.

- C.3 Determine all applications for planning permission, lawful development, advertising, listed building and conservation area and hazardous substances consent and those relating to the prior notification of telecommunications, agricultural and forestry buildings and operations, demolition, deemed applications of all kinds and hedgerow matters.
- C.4 Authorise enforcement action and other proceedings under Parts VII and VIII of the Town & Country Planning Act 1990.
- C.5 Authorise the making of diversion and stopping up of public footpath and bridleway orders arising from ~~development control~~planning proposals.
- C.6 Consider, comment upon or make recommendations in respect of applications of any kind made by public utilities, Norfolk County Council, the Crown or the Queen acting in a private capacity.
- C.7 Hear and determine appeals against the refusal of applications for consent to fell trees that are protected by Tree Preservation Orders and to consider objections to Tree Preservation Orders.

D - Licensing and Appeals Board

Composition

- D.1 The Licensing and Appeals Board shall consist of up to ~~fifteen~~ twelve members who must undertake relevant training before taking up the position and no councillor shall be disqualified from appointment by membership of any other Council body provided that no more than three members shall be elected from among the members of the Cabinet.
- D.2 For the making of general arrangements for its operation, the whole Board shall be convened but shall not involve all of its members in hearing particular applications or appeals.
- D.3 In designating the members to form Panels, and in advising on it, the Chairman and the Executive Director, Central Services, or their respective nominee, shall have regard to political proportionality where appropriate, to any involvement which would appear to call a member's impartiality into question, and to the knowledge and experience of members in relation to the subject of the hearing.

Terms of Reference

- D.4 Subject to complying with any relevant legal requirements, the Board shall apply such policies, procedures and consultative processes as the Council shall determine.

Functions Referred to the Board

The Board shall have the following functions.

- ~~D.5 — Act as a review board in respect of discretionary housing benefits administered by the Council.~~
- D.6 Act as a review panel in cases where an applicant calls for a review of any decision and where there is a right to such a review.
- D.7 Hear and determine licensing applications and appeals.
- D.8 Hear and determine applications under the Highways Act 1980 concerning bridleways and footpaths when any objection that is not withdrawn causes a hearing to be held.
- D.9 Hear and determine appeals by Council employees where such a right is part of the relevant personnel procedure.
- D.10 Hear and determine any other appeals that, under Council procedures or decisions, require determination by the Council.

D1 - Licensing Committee

Composition

- D1.1 The Licensing Committee shall consist of up to ~~fifteen~~twelve members who must undertake relevant training before taking up the position and no councillor shall be disqualified from appointment by membership of any other Council body provided that no more than three members shall be elected from among the members of the Cabinet.
- D1.2 For the making of general arrangements for its operation, the whole Committee shall be convened but shall not involve all of its members in hearing particular applications or appeals.
- D1.3 For the holding of hearings, the Chairman, in consultation with the Executive Director Central Services or their nominee, shall designate three members to form a Sub-Committee which shall be authorised to perform all the functions of the Committee in relation to that hearing.
- D1.4 In designating the members to form Sub-Committees, and in advising on it, the Chairman and the ~~Executvie~~Executive Director Central Services, or their respective nominee, shall have regard to political proportionality where appropriate, to any involvement which would appear to call a member's impartiality into question, and to the knowledge and experience of members in relation to the subject of the hearing.

Terms of Reference

- D1.5 Subject to complying with any relevant legal requirements, the Committee shall apply such policies, procedures and consultative processes as the Council shall determine.

Functions Referred to the Committee

The Committee shall have the following functions.

- D1.6 To hear and determine applications or referrals under the Licensing Act 2000.
- D1.7 To hear and determine applications or referrals under the Gambling Act 2005

E - Standards Committee

Composition

- E.1 The Standards Committee shall consist of seven members and up to three co-opted non-voting Town/Parish representatives and one Independent Person.
- E.2 For the making of general arrangements for its operation and for dealing with its functions which have a general application, the whole Committee shall be convened; but it may choose not to involve all of its members in conducting hearings affecting particular individuals.
- E.3 For the holding of any such hearings, the Committee shall be advised by the Monitoring Officer, or her nominee, and a Panel formed to conduct a hearing shall be authorised to perform all the functions of the Committee in relation to that hearing.
- E.4 In designating the members to form Panels, the Committee shall be advised by the Monitoring Officer, or their nominee, and shall have regard to political proportionality, to any involvement which would appear to call a member's impartiality into question, and to the knowledge and experience of members in relation to the subject of the hearing.

Terms of Reference

- E.5 Hearings will be conducted according to procedural rules adopted by the Council.
- E.6 Subject to complying with any relevant legal requirements, the Committee shall apply such codes, procedures and consultative processes as the Council shall determine.
- E.7 The Committee shall provide advice, codes, procedures, consultative processes or legal requirements as are required to keep the ethical health of the Authority under review.
- E.8 The Committee shall have authorisation to grant dispensations.

Functions Referred to the Committee

The Board shall have the following functions.

- E.9 The promotion and maintenance of high standards of conduct by Councillors and co-opted members.
- E.10 Monitor the implementation and operation of the Council's codes of conduct for Councillors and Officers.
- E.11 Determine breaches of codes of conduct which have been referred to it and to impose sanctions.
- E.12 Consider reports from the Monitoring Officer and.
- E.13 To determine applications for dispensations.

F - Audit And Risk Committee

Composition

- F1 The Audit Committee shall consist of 9 Members and no councillor shall be appointed who is a member of the Cabinet.
- F2 The Panel shall appoint it's own Chairman and Vice-Chairman

Introduction

- F3 The Audit and Risk Committee was set up in 2006, with Terms of Reference drawn up in line with guidance from the Chartered Institute of Public Finance and Accountancy (CIPFA). These were approved by Council in November 2006.
- F4 These Terms of Reference describe the purpose, authority and principal responsibilities of the Audit and Risk Committee.
- F5 The Terms of Reference need to be reviewed every three years and presented to Council for approval. The Terms of Reference were last reviewed in 2013. **The next review is due – May 2019.**

Statement of Purpose

- F6 The purpose of an audit committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the Council's financial and non-financial performance to the extent that it affects the Council's exposure to risk and weakens the control environment, and to oversee the financial reporting process.

Responsibilities

- F7 The main areas of responsibility for the Audit and Risk Committee will be to:
- a. Monitor the Council's responsibilities under the Accounts and Audit Regulations 2011, and approve the Statement of Accounts.
 - b. Review the Council's assurance statements, including the Annual Governance Statement (AGS), to check that it properly reflects the risk environment and any actions required to improve it.
 - c. Monitor the Council's compliance with Financial Regulations and Contract Standing Orders, and consider any proposals for changes to these.
 - d. Agree with the external auditor the basis of the annual audit, including the overall level and composition of the fee and the content of performance work.
 - e. Receive reports by the external auditor, including all performance reports and the Annual Management Letter.
 - f. Monitor delivery of the internal audit activity, fraud investigation work and Risk Management in the Council.
 - g. Monitor the response to audit reviews and investigations and the implementation of agreed recommendations.

- h. Receive reports by any other inspectorates including all performance reports.
- i. Report and/or bring matters to the attention of Council through the Cabinet on issues that require further review or action.
- j. Instigate an investigation or review on matters that arise from internal and external audits, where further information is required.

Core Functions

F8 In order to fulfil the above responsibilities, the Audit and Risk Committee will need to carry out the functions described below:

- a. Consider the effectiveness of the Council's risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements.
- b. Monitor action taken on risk-related issues identified by management, auditors and inspectors (notably through monitoring progress identified on risks included in the corporate risk register).
- c. Review internal audit's strategy and plan, and monitor performance.
- d. Review summary internal audit reports and the main issues arising, and seek assurance that action has been taken where necessary.
- e. Receive the annual report of the Audit Manager.
- f. Receive the reports of external audit and inspection agencies.
- g. Ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted.
- h. Monitor management action in response to any issues raised by internal audit.

Meetings

F9 There will be a minimum of four meetings per annum, but this can be increased if the workload requires it. The forthcoming programme of work will be reviewed at each meeting.

F10 Internal Audit should be able to meet privately with the Committee.

F11 There should be opportunity for the Audit Committee to meet privately and separately with the external auditor, independent of the presence of those officers with whom the auditor must retain a working relationship. If the Committee decides that a meeting is required, suitable arrangements will be made by the Chair.

F-G - Functions of the Council

The functions reserved for decision by the Council under Article 4.01 are elaborated in this Appendix and are the functions which the Council is required by law, or has decided, to retain and to perform itself.

Part 1

- FG.1** Adopting, changing and revoking any of the Parts of this Constitution except where those Parts permit or require otherwise.
- FG.2** Determining which ~~executive~~ Executive arrangements the Council will operate.
- FG.3** Adopting the Council's policy framework as defined in Article 4.
- FG.4** Adopting and approving the budget as defined in Article 4.
- FG.5** Making decisions about any matter which has been delegated to another Council Body or any Member of the Council or Officer which the decision maker is intending to make in a way which would be contrary to the policy framework or not wholly in accordance with the budget.
- FG.6** Deciding and amending the matters which are referred to all Council Bodies and the terms governing their reference.
- FG.7** Determining the Council's relationship with outside bodies, appointing representatives to outside bodies (insofar as the function is not delegated to other Council Bodies) and determining which Council Body Council Members appointed to outside bodies will report to.
- FG.8** Approving any final view or decision within the Council relating to the alteration of any local government boundary, electoral division or area or the number of Members of the Council.
- FG.9** Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of any Private Bills in Parliament.
- FG.10** Any other matters which, by law, must be decided by the Council.

Part 2

- FG.11** Considering reports referred to it by any Council Bodies.
- FG.12** Resolving any dispute between the Cabinet and the various Council Bodies.
- FG.13** Appointing the Mayor and Deputy Mayor.
- FG.14** Appointing Leader of the Council.
- FG.15** Appointing the Chairmen, Vice Chairmen and members of ~~all~~ Council Bodies (except the Cabinet and Cabinet Scrutiny Committee Policy & Review and Development Panels and Audit Committee).
- FG.16** Changing the name of the district.
- FG.17** Appointing Honorary Aldermen.
- FG.18** Bestowing the Honorary Freedom of the Borough.

G – Cabinet Scrutiny Committee

Composition

- G.1 — This Committee shall consist of nine members and no councillor shall be appointed who is a member of the Cabinet.
- G.2 — Political proportionality for the committee has been waived to permit an opposition majority.
- G.3 — The Committee shall be chaired by a Member from the major opposition group and vice-chaired by a Member from an opposition party, who shall fill the Chairman and Vice Chairman position shall be decided by the Committee

Terms of Reference

- G.4 — The Committee's primary function and terms of reference, in holding the Executive to account, are those set out in Articles 6.06-6.07 of Part 2 of the Constitution (reproduced below).
- 6.07 — The Cabinet Scrutiny Committee shall:
- (a) — within 30 days of the decision scrutinise decisions and recommendations to Council made by members on the delegated authority of the Council or in implementation of policy by the Cabinet provided that there shall be one opportunity only to do so in respect of any decision or group of decisions;
 - (b) — consider subject to Standing Order 12.16 all 'called in' decisions and decide whether to refer the outcome to Council or the Cabinet and recommendations to Council within 30 days.;
 - (c) — make reports and/or recommendations to the full Council and/or the Cabinet in connection with the discharge of any of their functions.
 - (d) — report annually to the full Council on the work that they have completed during the preceding 12 months.
 - (e) — be directly accountable to, and subject to the direction of, the full Council

H - Policy Review and Development Panels

i)Resources and PerformanceCorporate Performance -Policy Review and Development Panel

Composition

H.1 The Panel shall consist of up to twelve members and no councillor shall be appointed who is a member of the Cabinet.

H.2 The Panel shall appoint it's own Chairman and Vice-Chairman.

The Panel's function and terms of reference, in holding the Executive to account, are those set out in Articles of Part 2 of the Constitution (reproduced below).(Check nos once complete)

6.07 The Corporate Performance Panel shall :

- (a) within 30 days of the decision scrutinise decisions and recommendations to Council made by members on the delegated authority of the Council or in implementation of policy by the Cabinet provided that there shall be one opportunity only to do so in respect of any decision or group of decisions;
- (b) consider subject to Standing Order 12.16 all 'called in' decisions and decide whether to refer the outcome to Council or the Cabinet and recommendations to Council within 30 days. ;
- (c) make reports and/or recommendations to the full Council and/or the Cabinet in connection with the discharge of any of their functions.
- (d) report annually to the full Council on the work that they have completed during the preceding 12 months??.
- (e) be directly accountable to, and subject to the direction of, the full Council

The Panels' function, in reviewing the developing Council policy, are those set out in Articles 6.08-6.09 (?? Check once finalised) of Part 2 of the Constitution (reproduced below).

6.09 With respect to the matters they choose to examine within their individual remits, the Policy Review and Development Panel will generally:

- (a) consider matters affecting the Borough or local people;
- (b) review the performance of the Council specifically in relation to its policy objectives, performance targets or particular services.
- (c) post implementation reviews of major projects and significant policy changes and the introduction of new policies.
- (d) monitor the medium term Financial Plan
- (e) assist in advancing the development of effective policy for promoting or improving the economic, social and environmental wellbeing of the people and communities of King's Lynn and West Norfolk;
- (f) question members of the Cabinet and senior officers about their decisions and performance, whether generally in comparison with Directorate plans and targets over time, or in relation to particular decisions, initiatives or projects;

- (g) review the performance of other public bodies in the area and invite reports from them by requesting them to address the relevant Policy Review and Development Panel about their activities and performance;
- (h) question and gather evidence from any other willing person.
- (i) make reports and/or recommendations to the full Council and/or the Cabinet in connection with the discharge of any of their functions.

!

- ii) Regeneration & Development Policy Review and Development Panel
- iii) Community and Environment Policy Review and Development Panel

Composition

- H.1 The Panels shall each consist of up to ~~twelve~~fifteen members and no councillor shall be appointed who is a member of the Cabinet.
- H.2 ~~Council~~The Panels shall appoint their own Chairmen and Vice-Chairmen.

Terms of Reference

- H.3 The Panels' primary function and terms of reference, in reviewing the developing Council policy, are those set out in Articles 6.08-6.09 (?? check once finalised) of Part 2 of the Constitution (reproduced below).
- 6.09 With respect to the matters they choose to examine within their individual remits, the Policy Review and Development Panels will generally:
 - (a) consider matters affecting the Borough or local people;
 - (b) ~~review the performance of the Council specifically in relation to its policy objectives, performance targets or particular services.~~
 - (c) ~~assist in advancing the~~ development of effective policy for promoting or improving the economic, social and environmental wellbeing of the people and communities of King's Lynn and West Norfolk;
 - (d) question members of the Cabinet and senior officers about their decisions and performance, whether generally in comparison with Directorate plans and targets over time, or in relation to particular decisions, initiatives or projects;
 - (e) review the performance of other public bodies in the area and invite reports from them by requesting them to address the relevant Policy Review and Development Panel about their activities and performance;
 - (f) question and gather evidence from any other willing person.
 - (g) make reports and/or recommendations to the full Council and/or the Cabinet in connection with the discharge of any of their functions.
 - (h) ~~report annually to the full Council through Policy Review and Development Liaison Committee on the work that they have completed during the preceding 12 months.~~
 - (i) consider the Key ~~and Forward decisions~~ Decisions List
 - (j) have responsibility to review any decisions taken after the 30 day period has passed.
 - (k) ~~The Resources and Performance Panel will perform the roles and responsibilities of the Council's Audit Committee.~~

I—Scrutiny and Overview Liaison Committee

Composition

- I.1—The Liaison Committee shall consist of the Chairmen of the Policy Review and Development Panels and the Chairman of the Cabinet Scrutiny Committee.
- I.2—To permit this arrangement political proportionality for the committee is waived (subject to a *nem con* vote at Full Council).
- I.3—The Liaison Committee will meet at the beginning of each calendar year and will be chaired on a rotating arrangement by the Chairmen of the Policy Review and Development Panels in alphabetical order by surname each time the Chairman of the Committee is called upon.

Terms of Reference

- I.4—Co-ordination, performance monitoring and evaluation of the Scrutiny and Overview function as a whole.
- I.5—This Committee is the Senior Scrutiny and Overview Body

Role of the Policy Review and Development Liaison Committee

- 6.04—The Scrutiny and Overview Liaison Committee shall:
- (a)—make recommendations to the Policy Review and Development Panels as to items of work they may wish to schedule as a result of cabinet scrutiny activity;
 - (b)—determine which Policy Review and Development Panel(s) should deal with any matter in cases of doubt or dispute, or make arrangements for joint working between panels.
 - (c)—oversee the work of the Policy Review and Development Panels and intervene if necessary to avoid duplication and assist in managing cross-cutting policy review and development work;
 - (d)—ensure progress across the overview function and monitor and co-ordinate workloads of the Policy Review and Development Panels.
 - (e)—report annually to the full Council on the overall functioning of Policy Review, Cabinet Scrutiny Committee and Development Panels and make recommendations on future working methods and arrangements.
- 6.05—For the avoidance of doubt, the Scrutiny and Overview Liaison Committee shall not have powers to review recommendations from the Policy Review and Development Panels, or to dictate what matters shall or shall not be considered. In their co-ordination role, however, they may choose to ensure an appropriate prioritisation of matters to be considered.

Borough Council of
**King's Lynn &
West Norfolk**



SCHEME OF DELEGATION

May 2016

BOROUGH COUNCIL OF KING'S LYNN AND WEST NORFOLK

SCHEME OF DELEGATION

The attached represents the Scheme of Delegation across the Council. It is shown in tabular form with the first 3 columns showing the Council body, its functions and its consultation requirements and the last two columns showing the delegations to officers in respect of those functions and the limits on those delegations. Throughout the following abbreviations are used:-

C	=	Consultation
WM	=	A Ward Member in the Ward affected
PH	=	Portfolio Holder
CE	=	Chief Executive
MO	=	Monitoring Officer
PFO	=	Principal Financial Officer
ED	=	Relevant Executive Director
LAC	=	Licensing and Appeals Committee/Board

PORTFOLIO HOLDER DELEGATIONS

The following Scheme sets out the areas delegated to Portfolio Holders to make decisions. Key Decisions are not delegated to Portfolio Holders and must be considered in Cabinet. Key Decisions are defined as:-

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 Council's budget for the service or function to which the decision relates; or
- (b) to be significant in terms of its effect on communities living or working in the area comprising two or more wards and electoral divisions in the Council's areas

where significant under a) above is £250,000 or more and significant under b) above is one third of the resident population in a ward.

Decisions involving additional resources from reserves are permissible for any Portfolio Holder up to a maximum of £100,000 per portfolio in any financial year.

Where a reserve exists for a specific purpose (eg renewal or repair reserve), the Assistant Director - Resources may withdraw funds from that reserve, PROVIDED THAT the withdrawal is to finance an item or items of expenditure related to the reasons for the existence of the reserve, up to a value of £50,000 per annum. Any necessary withdrawal that exceeds this amount additionally requires the approval of the relevant Portfolio Holder.

Decisions where more than one Portfolio Holder is required to make a decision must go to Cabinet. For the avoidance of doubt each Portfolio Holder has complete freedom to utilise his or her budget without further recourse to the Leader provided it is not a key decision and subject to the restrictions mentioned above.

It is the responsibility of each Portfolio Holder in consultation with the relevant Executive Director to ensure that every decision is made with the full knowledge of a Democratic Services Officer who shall ensure each decision is properly recorded, reasons given and reference made to the report to the Member concerned.

It is also the responsibility of the Portfolio Holder, in consultation with the relevant Executive Director in making decisions to abide by the Council's Financial Regulations and other policy and procedure documents of the Authority as appropriate.

The Portfolio Holder may make decisions in all the areas set out below subject to the conditions and consultations and onward limits on delegation except where the matter under consideration is in excess of £250,000 or beyond the budget of the Portfolio Holder or has a significant effect on two or more wards in the Borough or where the decision to be reached requires the decision of an additional Portfolio Holder.

General Powers

The exercise of delegated powers is to the person to whom it is expressly delegated under this Scheme.

An officer who is authorised to exercise a delegated power under this scheme may authorise other officers to exercise that power on their behalf. Such authorisation shall be made in writing setting out:

- a. The name(s) of the officers who may exercise a power
- b. The power which may be exercised
- c. Any limitations on the exercise of that power

A copy of every authorisation should be passed to the Monitoring Officer before the officer who is authorised exercises any power

Contracts

An Executive Director may authorise and execute on behalf of the Council a contract for works services or goods provided:

- a. the value of the contract does not exceed £100,000.00 or any limit prescribed at any time by contract standing orders
- b. the contract is not part of a series of agreements for the provision of the same or substantially the same works, goods or services
- c. the Executive Director retains a copy of every contract that they make

OFFICER DECISIONS

It is the responsibility of the officer in making decisions to abide by the Council's Financial Regulations and other policy and procedure documents of the Authority as appropriate.

Portfolio Holder	Functions	Portfolio Holder Consultations	Officer Delegation	Limits on Delegation
1 Environment /Corporate /Strategic Issues, Resources THE LEADER	1.1 Review of Corporate Policy including the budget or the Corporate Plan having first been recommended by Cabinet and approved by Council	CE/PFO/MO Requires rec to Council for any change	1.1.1 Management Team/ Monitoring Officer/Assistant Director – L Gore – Ensure Executive decisions are taken in accordance with the law and financial and policy guidelines.	
	1.2 Cross Cutting /Cross Remit issues	CE & ED & Portfolio holders		
	1.3 Democratic Processes	MO	1.3.1 Executive Director – D Gates Day to day management of the Council's democratic processes. Timetable of Meetings	
	1.4 Legal	CE and MO	1.4.1 Chief Executive Sign and serve any notice, order or document or act as proper officer under Section 234 of the Local Government Act 1972 where no other officer is currently appointed. To affix and attest the common seal of the Council where the common seal is required pursuant to any decision of the Council. To take any measures necessary to recover possession of land owned or leased by the Council, including encampments (whether or not on Council owned land). Authorise the postponement of charges made on Council property. Day to Day management of assigning budget resources to all legal matters.	

	1.5 Treasury Management including banking, revenue and capital programmes	PFO	<p>1.5.1 Assistant Director – L Gore Write Off irrecoverable debts Administration of banking arrangements Manage insurance for the Council, its property and employees Exchequer services including raising and repayment of loans. Approval and publication of Statement of Accounts Authorisation of virements and budget transfers Authorise urgent payments</p> <p>1.5.2 Assistant Director – L Gore Collect, administer, demand and recover Council Tax and National Non Domestic Rate precepts and any other Tax or Charge levied by the Council. Collection of rents.</p>	See authorisations given effect by Financial Regulations
	1.6 Fees and Charges	PFO	<p>1.6.1 Relevant Executive Director</p> <p>Variation of fees and charges</p>	
	1.7 Procurement	ED	<p>1.7.1 Assistant Director – L Gore Day to day management and enforcement of the Council's Procurement Strategy.</p>	
	1.8 Policies and strategies relating to: Environmental Strategy, including air quality, contaminated land, water quality/usage.	ED	<p>1.8.1 Executive Director – G Hall Day to day management</p>	
	1.9 Control of noise, odour, light, dust, smoke and other pollutants,		<p>1.9.1 Executive Director – D Gates, G Hall and Chief Executive Day to day management</p>	

	Public Health Land drainage and sewerage issues Planning and Licensing consultations regarding the above			
	1.10 Bio-diversity, Local character		1.10.1 Executive Director – G Hall Day to day management	
	1.11.1 All aspects of Recycling and refuse collection including waste minimisation and composting,		1.11.1 Executive Director – C Bamfield Day to day management	
	1.12 Street scene and public cleansing		1.12.1 Executive Director – C Bamfield Day to day management	
	1.13 Energy strategy and issues	ED	1.13.1 Executive Director - C Bamfield Monitoring of energy efficiency measures to Council buildings.	
	1.14 Community Safety/Neighbourhood nuisance service		1.14.1 Executive Directors – D Gates and G Hall General day to day management of the community safety service and compliance with Crime and Disorder Act 1998 - s.17 requirements. Authorisation of police request for Dispersal Orders to be actioned. Issuing of public notices relating to recipients of ASBOs. Anti-Social Behaviour, Crime and Policing Act	

			2014	
	1.15 Public and Civil Emergencies	Civil Emergency Liaison and CE Leader, Deputy Leader, MO	<p>1.15.1 Chief Executive To exercise any power to protect the interests and well being of the inhabitants of the Borough in cases of emergency</p> <p>1.15.2 Executive Director – G Hall Day to day management of the Civil Emergency Plan</p>	<i>C – Cabinet as soon as reasonably practical</i>
	1.16 Business Continuity	ED	<p>1.16.1 Executive Director – G Hall Day to day management of the process</p>	

Portfolio Holder	Functions	Portfolio Holder Consultations	Officer Delegations	Limits on Delegation
2 Regeneration & Deputy Leader				
	2.1 Regeneration strategy, policy, projects and implementation	ED	<p>2.1.1 Chief Executive Day to day management of Regeneration Projects</p> <p>Submission of bids for and Management of Regeneration projects</p> <p>2.1.2 Chief Executive Authorisation to retain professional expertise as required</p>	C Regeneration Portfolio Holder.
	2.2 Redevelopment & Development projects	ED	2.2.1 Chief Executive Oversight and day to day management of redevelopment projects	C PH
	2.3 Property	ED+LSM WM PH where property is in another portfolio holders functional area	<p>2.3.1 Executive Director – C Bamfield Management of Council property interests together with the ability to authorise all related property transactions at market rent/value. Subject to:</p> <ul style="list-style-type: none"> • Acquisition or disposal of freehold land up to £100,000. • Acquisition or disposal of leasehold land up an annual rental value of £100,000 .* • Discharge or relaxation of freehold or leasehold covenants. • Determine all applications for the 	C ED, PH * Financial limit not applicable to industrial estates where an unlimited rental is

			<ul style="list-style-type: none"> assignment of lease agreements**. To approve or refuse applications to the Council as Landlord for any approval or consent Authorise non Housing Act tenancies and licences. Authorise the applications to release or relax restrictive covenants attached to houses formally owned by the Council. 	<p>allowed. ** except where residential element. C ED</p> <p>C ED, PH, WM</p> <p>C ED, PH</p>
	2.4 King's Court, Office and Depot Accommodation	Property Services Manager	2.4.1 Executive Director – C Bamfield Day to day facilities management of King's Court and any other office and Depot accommodation operated by the Council.	
	2.5 Economic Development Policy and Strategy and Economic related EU funding, and submission of funding applications.	ED	2.5.1 Chief Executive Day to day management of the process	
	2.6 Local Enterprise Partnerships	ED	2.6.1 Chief Executive Attendance and liaison with the LEP	
	2.7 West Norfolk Partnership	ED	2.7.1 Executive Director – D Gates Management of the Council's involvement in the Partnership	
	2.8 Asset Register	Property Services Manager	2.8.1 Executive Director – C Bamfield Day to day management of the Asset Register, and matters arising therefrom	
	2.9 Community Asset Register		2.9.1 Executive Director – D Gates Retention of the Register	

Portfolio Holder	Functions	Portfolio Holder Consultations	Officer Delegation	Limits on Delegation
3 Culture				
	3.1 Museums	ED	3.1.1 Executive Director – C Bamfield Day to day management of all museum premises owned by the Council	
	3.2 Financial Assistance Schemes for sports and arts	WM	3.2.1 Executive Director – C Bamfield Administer award the grants within the Sports Training and Coach Education grants scheme after consultation with the Alive Leisure Trust.	
	3.3 Financial Assistance Schemes for, voluntary, community, Parish, Community safety matters, housing rural transport, environmental projects and arts	Relevant ED	3.3.1 AsstExecutive Director – L Gore Administration of the Council's financial assistance schemes for voluntary, community, parish and community safety matters, rural transport and environmental projects, and arts.	
	3.4 Town Hall Complex		3.4.1 Executive Director – C Bamfield Day to day management of the complex	
	3.5 Management of Ancient Corporate Estates		3.5.1 Executive Director – C Bamfield Day to day management of the ancient corporate estates.	
	3.6 Health improvement and promotion including public health and community care		3.6.1 Executive Director – G Hall and D Gates Day to day management	
	3.7 Local Health Partnerships		3.7.1 Chief Executive	

	3.8 Development and promotion of cycling related matters		3.8.1 Executive Director – C Bamfield	
	3.9 Promotion and Marketing of the Borough	ED	3.9.1 Chief Executive Day to day promotion and marketing of the Borough	
	3.10 Tourism	ED	3.10.1 Executive Director – C Bamfield Day to day management of tourism premises owned or operated by the Council Day to day management of Heritage premises in the Council's ownership. 3.10.2 Chief Executive Day to day management of the tourism issues including management. Arranging or overseeing exhibitions, conferences and tourism as appropriate	
	3.11 Leisure, Arts and Green Spaces policies and strategies	ED	3.11.1 Executive Director – C Bamfield Day to day operation of the policies	
	3.12 Parks, Gardens and amenity areas including play areas and allotments	WM, ED	3.12.1 Executive Director – C Bamfield Day to day management of such facilities including exclusion of persons as necessary	
	3.13 Determination of Applications for Circuses on Council property.		3.13.1 Executive Director – C Bamfield Determination of applications to hold circuses on council land	
	3.14 Resort and Seafront Management	WM, ED	3.14.1 Executive Director - C Bamfield Day to day management of resorts and seafront	

Portfolio Holder	Functions	Portfolio Holder Consultations	Officer Delegations	Limits on delegation
4 Development (Full Planning Scheme of Delegation is a separate document)				
	4.1 Local Development Framework, planning and Land Use Policy		<p>4.1.1 Executive Director – G Hall Minor consequential amendments to planning policy in accordance with national and regional policy changes. Issuing of Local Development Framework guidance and information</p> <p>4.1.2 Monitoring Officer Finalising planning obligations</p>	C - ED
	4.2 Transport policies		<p>4.2.1 Executive Director – G Hall Responding to consultations on traffic regulation orders</p>	
	4.3 Building Control		<p>4.3.1 CNC – Executive Director – G Hall The exercise of all local authority functions under the Building Act 1984, the Housing Acts and Public Health Acts so far as they relate to the function of the Council as a Building Control Authority. Act as appointing officer under the Party Wall Act 1996.</p>	

			Building Control enforcement and exercise the right of entry to land and premises.	
	4.4 Street naming and numbering	WM	4.4.1 Executive Director – G Hall Street numbering and naming	
	4.5 Commons		4.5.1 C Bamfield	
	4.6 Compulsory Purchase Orders and Enforced Sale Procedures		4.6.1 Executive Director – G Hall	
	4.7 Land Charges		4.7.1 Executive Director – G Hall Maintain the Register of Local Land Charges and Land Terrier.	
	4.8 Derelict Land and Buildings		4.8.1 Executive Director – G Hall Day to day management	

Portfolio Holder	Functions	Portfolio Holder Consultations	Officer Delegations	Limits on Delegation
5 Human Resources and Shared Services				
	5.1 Policies relating to Employment, Personnel, salaries, Pensions, Training and equalities (as an employer)	ED	<p>5.1.1 Executive Director – D Gates Implementation of service re-organisations and re-structuring within budget.</p> <p>Approval for the funding of training courses for both full and part time study for all employees</p> <p>Updating the Performance Management Scheme</p> <p>5.1.2 Chief Executive Changes to posts for senior staff (Executive Director/Assistant Director)</p>	<p>C ED</p> <p>C ED on Compromise agreements.</p>
	5.2 Health and Safety as an employer		5.2.1 Chief Executive Day to day responsibility for the Council's Health and Safety function	
	5.3 Equal Opportunities (not as the employer)		5.3.1 Executive Director – D Gates Day to day management	
	5.4 Civics	CE, Civics Officer Mayor or Deputy Mayor	<p>5.4.1 Chief Executive To determine applications to use the Council's coat of arms</p> <p>5.4.2 Executive Director – D Gates Day to management of the office of the Mayor</p>	

			and Deputy Mayor and civic ceremony	
	5.5 Performance Management	ED	5.5.1 Executive Director – D Gates Implementation of performance management reviews and production of performance management information.	
	5.6 Cemeteries and Crematorium		5.6.1 Executive Director – C Bamfield The day to day management of the Council's cemeteries and crematorium and the granting of exclusive burial rights.	
	5.7 Car Parking		5.7.1 Executive Director – C Bamfield Day to day administration of Council owned car parks in the Borough, including amendments to Car Parking Orders in consultation with portfolio holder. 5.7.2 Executive Director – C Bamfield Day to day operation of parking enforcement carried out on behalf of third parties. 5.7.3 Executive Director – C Bamfield Management Responsibility for civil parking enforcement.	
	5.8 Markets and Fairs		5.8.1 Executive Director – C Bamfield Day to day administration of Markets and Fairs in the Borough	
	5.9 Town Centre Management		5.9.1 Executive Director – C Bamfield Oversight and day to day management of town centres Provision of Christmas lighting across the Borough	

	5.10 Christmas Lighting		5.10.1 Executive Director – C Bamfield	
	5.11 Public conveniences	WM	5.11.1 Executive Director – C Bamfield Management and maintenance of the Council's public conveniences.	
	5.12 Shared Services	ED	5.12.1 Chief Executive Day to day management of, preparation and negotiations.	
	5.13 Community Facilities	WM	5.13.1 Through ALIVE Management - Executive Director – C Bamfield Management and Maintenance of the fabric of the buildings 7.13.2 Exec Director – C Bamfield Operational Management of miscellaneous community centres.	
	5.14 CCTV		5.14.1 Executive Director – C Bamfield Day to day management of the CCTV function	
	5.15 Sports facilities, venues	ED	5.15.1 Through ALIVE Management - Executive Director – C Bamfield Management and Maintenance of the fabric of all leisure and sports buildings	
	5.16 Arts/Theatre/Entertainment facilities, venues	ED	5.16.1 Through ALIVE Management - Executive Director – C Bamfield Management and Maintenance of the fabric of all arts and entertainment.	

Portfolio Holder

Functions

Portfolio Holder

Officer Delegations

Limits on

		Consultations		Delegation
6 Housing and Community				
	6.1 Housing Strategies and Associated Policies		6.1.1 Chief Executive Day to day delivery of housing and homeless strategies and policies including administration of the Council's Housing policies	
	6.2 Housing Register		6.2.1 Chief Executive Management of Housing Register in accordance with policy and nominations of households to Registered Providers.	
	6.3 Homelessness		6.3.1 Chief Executive Exercise of homelessness functions.	
	6.4 Housing Standards in the Private Sector		6.4.1 Chief Executive Day to day delivery of housing standards role including housing enforcement and compliance functions.	
	6.5 Houses in Multiple Occupation (HMO)		6.5.1 Chief Executive Grant, renew and revoke all licences and issues under the Housing Act 2004	
	6.6 Home Improvement Agency, Care and Repair and associated operations and Careline		6.6.1 Executive Director – D Gates Day to day management of the Home Improvement Agency, Care and Repair and associated operations and Careline	
	6.7 Residential		6.7.1 Chief Executive	

	Caravan Site Licensing		To grant, transfer or revoke licenses and exercise of duties in relation to residential caravans.	
	6.8 Loans and grants for housing	PFO	6.8.1 Chief Executive Approval/refusal/withdrawal and authorisation of renovation grant scheme payments.	
	6.9 Social Inclusion		6.9.1 Executive Director – D Gates Day to day management	
	6.10 Gypsy, Roma and Travellers	WM	6.10.1 Chief Executive Exercise of function. Dealing with unauthorised encampments	
	6.11 Licensing Policies		6.11.1 Executive Director – G Hall Day to day implementation of the Licensing Policies and associated matters	
	6.12 Health and Safety where not as the employer		6.12.1 Executive Director – G Hall Approval of Health and Safety Inspectors under S19 of the Health and Safety at Work etc Act 1974 Day to day responsibility of the Health and Safety process where not as the employer.	
	6.13 Food		6.13.1 Executive Director – G Hall Day to day management of the food related services	
	6.14 Housing benefit, welfare benefits and advice	ED	6.15.1 Assistant Director – L Gore Administration of housing benefit and Council Tax benefit and discretionary housing	

			payments	
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Portfolio Holder	Functions	Portfolio Holder Consultations	Officer Delegation	Limits on Delegation
7 Performance				
	7.1 Channel Shift	ED	7.1.1 Executive Director – D Gates Day to day management of the process	
	7.2 ICT	ED	7.2.1 Executive Director – D Gates Day to day management of the service	
	7.3 Freedom of Information and Data Protection	MO	7.3.1 Monitoring Officer Respond to requests for information under the FOI Act 2000, EIR 2004 access requests under the Data Protection Acts within statutory timescales. Maintain FOI Publication Scheme Maintain Council's Data Protection registration and act as Data Protection Officer. Authorise the use, loan or reproduction of the Councils archive material.	
	7.4 Communication	ED	7.4.1 Executive Director – D Gates Day to day management of communications on behalf of the Council, in accordance with Council Policy	
	7.5 Audit Fraud and Risk Management	External Audit, Internal Audit, MO as necessary	7.5.1 Assistant Director – L Gore Responsibilities under S.151 and S114 (Chief Financial Officer). Enforcement of Financial Regulations	

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			Day to day management of the Internal Audit function and process. 1.2.2 Chief Executive Day to day management of the Corporate Risk Register Service Level Risks	
	7.6 Hanseatic Matters		7.6.1 Chief Executive Day to day management of Hanseatic links	

Body	Functions	Consultations	Officer Delegations	Limits on delegation
8 Council	<p>8.1 The Constitution.</p> <p>8.2 Adopting the Council's Policy Framework and determining matters involving a change or deviation from approved policy.</p> <p>8.3 Compulsory Purchase matters.</p> <p>8.4 Approving the Council's position relating to local government boundaries, electoral divisions or number of Council Members.</p> <p>8.5 By-law creating and management and promotion or making of local Acts.</p> <p>8.6 Determining matters referred to Council by other bodies.</p> <p>8.7 Appointments (staff and Members)</p> <p>8.8 Determining the Council's Executive Arrangements.</p> <p>8.9 Appointment of Honorary Aldermen or bestowing Freedom of the</p>		<p>Chief Executive</p> <p>To act as Head of Paid Service under and for the purposes of section 4 of the Local Government and Housing Act 1989 and lead the senior management team</p> <p>To act as Electoral Registration Officer and Returning Officer for all elections, Parish Polls and Referendums and to take such action as is necessary to carry out those duties.</p> <p>To act as the Proper Officer for the Council, as defined by Section 270 (3) Local Government Act 1972</p> <p>To exercise any power to protect the interests and well being of the inhabitants of the Borough and the Council where it is considered necessary and desirable, in consultation with the Leader of the Council and the relevant Portfolio Holder and subject to notification of the relevant decision making body</p> <p>Staff Restructuring within budget including staff redundancies</p>	<p>C –Cabinet as soon as reasonably practical and report to Council at next meeting</p> <p>Consultation with the Leader and Cabinet Member for Personnel.</p>

	Borough.		<p>Day to day management of the Council's democratic processes. Amendments to Timetable of Meetings Member Substitutions at meetings</p> <p>Following resignation from a Council body, substitution of Members from same political group onto the Body for the remainder of the year.</p> <p>Replacement/substitution of members on Outside Bodies.</p> <p>Executive Director – D Gates Day to day management of personnel function within the Council, including development of appropriate protocols in accordance with policy across the Council, including pay award negotiation, performance related pay, honoraria (as advised by Service managers or Management Team in the case of service head or above), leave arrangements, recruitment arrangements, disciplinary arrangements including suspension of service/compromise/termination arrangements, retirement arrangements, implementation of job evaluation.</p> <p>Variation and termination of employment contracts, extension of service following</p>	<p>-Subject to notification from Group Leader or individual member</p> <p>-Subject to notification from Group Leader and agreement of CE.</p>
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			<p>retirement age, suspension, confirmation of employment following completion of probationary period.</p> <p>Appointment of Temporary employees for up to 12 months (PG6-13)</p> <p>Authorisation of payment of loans, pay in lieu, allowances, compensation and grants etc to staff and waiver of such repayments or payments due in appropriate cases in accordance with policy</p> <p>Designation and associated work related to casual/essential user car allowances/loans/hiring.</p> <p>Development of necessary protocols in accordance with overall legislation/policy</p>	
	8.10 Statutory Functions		<p>Legal Services Manager</p> <p>To maintain and update a list of statutory provisions under which the Council acting through any Executive Director may exercise powers devolved to the Council</p> <p>Authorise, a prosecution, rights of entry, the commencement, defence or settlement of any legal proceedings brought by or against the Council, except in the case of Health and Safety at work prosecutions taken under the act or regulations made under the Act when the power to issue legal proceedings is given</p>	

			<p>to the Health and Safety Inspectors be authorised under Section 19 of the Health and Safety at Work etc Act 1974.</p> <p>To act as Monitoring Officer (Local Government & Housing Act 1989), Registrar of Local Land Charges, Authorised Officer (under the Regulation of Investigatory Powers Act 2000), Parish Trustee.</p> <p>To Act as Money Laundering Officer (Proceeds of Crime Act 1995)</p> <p>Sign and serve any notice, order or document or act as proper officer under Section 234 of the Local Government Act 1972 where no other officer is currently appointed.</p> <p>To affix and attest the common seal of the Council where the common seal is required pursuant to any decision of the Council.</p> <p>Assistant Director _ L Gore - (Agreed Cncl 240113) To act as Chief Financial Officer under S.114 of the Local Government Finance Act 1988 and S.151 of the Local Government Act 1972</p> <p>Chief Executive Authorised Officer under the Regulation of Investigatory Powers Act</p> <p>To exercise the delegated powers of any Executive Director where they are absent for any reason or the post is vacant.</p>	<p>*excluding any action involving the commencement of civil or criminal proceedings (delegated to LSM)</p>
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			<p>All Executive Directors To exercise all powers within their functional responsibility from the list of statutes maintained by the Monitoring Officer including signing of notices, licences or orders and to authorise, appoint and dismiss inspectors, charge and refund fees, exercise rights of entry, take direct action, issue cautions and make representations under the statutory provisions on behalf of the Council*</p>	
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Body	Functions	Consultations	Officer Delegations	Limits on delegation
<p>9 Cabinet</p>	<p>Individual delegations set out as per Portfolios above.</p> <p>9.1 Make recommendations to Council on corporate strategic and service policies and the detailed implementation of those policies</p> <p>9.2 Delivery of Services within the approved policy and budgetary framework and reviewing the operational framework functions and resources within it. Virement of funds in accordance with Financial Regulations</p> <p>9.3 Monitoring of the Councils Resources, make recommendations to Council on the overall Budget, Council Tax, and carry out any consultation required.</p> <p>9.4 To exercise any Executive function duty,</p>	<p>Delegations to individual portfolio holders apply equally to the Cabinet as a whole</p> <p>Report to Council</p> <p>Rec to Council</p>	<p>Delegations as set out in portfolio groups</p>	

	<p>action or power which is not delegated to any other Council Body in order to protect the Council's interests.</p> <p>9.5 Appoint representatives to Outside Bodies where they are Executive appointments.</p> <p>9.6 Refer any matter to Council for consideration.</p> <p>9.7 Commission Research into any matter or hold an enquiry into a particular issue or issues relating to the Borough or the Council at their discretion.</p>			
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Body	Functions	Consultations	Officer Delegations	Limits on delegation
<p>10 Licensing and Appeals Committee and Sub-Committees thereof.</p>	<p>10.1 To decide on Licensing applications including under the Licensing Act 2003 where objections have been received, applications to review premises licence/club premises certificate and whether to object to licenses when Authority is a consultee. 10.2 To decide on applications under the Gambling Act 2005.</p>	<p>ED ED</p>	<p>Executive Director – G Hall To administer and decide on Licensing applications including those under the Licensing Act 2003 where no objections have been made, or have been withdrawn.</p> <p>Executive Director – G Hall To administer and determine Gambling Act applications where no objections have been made, or have been withdrawn.</p>	<p>Where irresolvable objections/representations made - LAC</p>
<p>11 Licensing and Appeals Board and Panels thereof.</p>	<p>11.1 To decide on appeals/disciplinary matters for hackney carriages and private hire vehicle driver licences and Homelessness appeals and staffing appeals</p>		<p>Executive Director – G Hall Approval of applications for hackney carriages and private hire vehicle driver licences except those falling within the categories in paragraphs (i) to (v) below, when they will go to the Licensing and Appeals Board or panels thereof:-</p> <ul style="list-style-type: none"> (i) Applications which disclose that the applicant has been convicted of an offence involving indecency or violence; (ii) Applications which disclose that the applicant has been 	

			<p>(iii) convicted of an offence involving dishonesty or drugs; Applications which disclose that the applicant has been convicted of an offence under the provisions of the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976;</p> <p>(iv) Applications which disclose that the applicant has been convicted of an offence relating to the driving or ownership of a motor vehicle and has more than six penalty points on his/her licence;</p> <p>(v) Applications which disclose that the applicant has committed a breach of, or failed to comply with, the terms of an existing or previous hackney carriage or private hire licence.</p> <p>To approve applications for hackney carriage and private hire drivers licences that fall within any of the categories set out in paragraphs (i) to (v) of the preceding paragraph if in the opinion of the Executive Director – G Hall, any offence by the applicant is so minor or irrelevant as to have no proper bearing on the determination of the application.</p>	
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		Consultation with Chr & V Chr and post decision to L&A Board for info	S52 Road Traffic Act - to “suspend or revoke a Hackney Carriage or Private Hire driver’s licence with immediate effect where the Licensing Authority are of the opinion that the interests of public safety require such course of action 21.3.13 L&AB	
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Body	Functions	Consultations	Officer Delegations	Limits on delegation
12 Appointments Board	12.1 Full Board to appoint Chief Executive 12.2 Panels of Board to appoint Chief Officers 12.3 Panels of Board appoint Independent and Parish Council members of the Standards Committee* 12.4 Panels of the Board appoint members to the Independent Allowances Panel	Cabinet Cabinet & CE *Chairman/Vice-Chairman of Standards Committee		

Body	Functions	Consultations	Officer Delegations	Limits on delegation
13 Standards Committee	<p>13.1 Promote high standards of conduct within the Council</p> <p>13.2 Monitor the implementation and operation of the Codes of Conduct for Members, officers and towns & parishes and confidential reporting codes, including development of protocols</p> <p>13.3 As a whole or in a Panel of the Committee to determine complaints made regarding breaches of the Code of Conduct</p>	MO	<p>Legal Services Manager /Monitoring Officer</p> <p>On behalf of the Committee to administer the local assessment of complaints and carry out investigations on complaints made under the Code of Conduct.</p> <p>To provide advice to Members and Towns & Parishes including Clerks and Members on aspects of the Code</p>	

**CONSTITUTION OF THE BOROUGH COUNCIL
OF KING'S LYNN & WEST NORFOLK**

Part 4

STANDING ORDERS

RULES OF PROCEDURE

FOR THE CONDUCT OF THE COUNCIL'S BUSINESS

Adopted 25 November 2010
Panel amendments agreed 28 July 2011
Standards Amendments by Monitoring Officer Feb 2013
Amendments agreed 27 March 2014
Amendments 27 November 2014
Amendments June 2015
Amendment 24 Sept 2015
Amendment April 2016

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STANDING ORDERS

PROCEDURAL RULES

FOR THE CONDUCT OF THE COUNCIL'S BUSINESS

STANDING ORDER: DEFINITIONS

1. The Interpretation Act, 1978 shall apply to the interpretation of these standing orders as it applies to the interpretation of an Act or Parliament.
2. In these Standing Orders, unless the context otherwise demands, the following terms have the meaning assigned to them:

“Access Regulations” means the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000. [Local Authorities \(Executive Arrangements\) \(Meetings and Access to Informations\) England Regs 2012.](#)

“Appropriate Executive Member” means one or more Executive Member(s) acting under powers delegated to him/her/them or who appear(s) most nearly to have responsibility for the services or policy areas to which the matter in hand relates.

“Call in period” means the period of five clear working days after the day that the Record of Decisions of the Executive or of an Executive Member is sent to Members of the Council within which a Member can ask for a decision of the Executive or the Executive Member to be reviewed in accordance with Standing Order 12.

“Chairman” means the Chairman of the Appropriate Committee or in his/her absence the Vice-chairman.

“Chief Executive” means the Chief Executive or any officer authorised by him/her to act in his/her capacity in relation these Standing Orders.

“Chief Finance Officer” means the officer responsible for the proper administration of the Council's financial affairs under Section 151 of the 1972 Act.

“Chief Officer” means:

- (a) For the purpose of Part 5 of the Standing Orders (Appointment and Discipline of Staff):
 - (i) The Chief Executive
 - (ii) The Head of Paid Service
 - (iii) The Chief Finance Officer
 - (iv) The Monitoring Officer
 - (v) A statutory chief officer and a non statutory chief officer as mentioned in Section 2 of the 1989 Act.

Any reference to the appointment or purported appointment of a Chief Officer includes a reference to the engagement or purported engagement of an officer under a contract of employment; and

- (b) In any other case, a statutory or non-statutory Chief Officer as mentioned in Section 2 of the 1989 act.

“Consultation Procedure” means the procedure by which Chief Officers may consult with one or more specified members before exercising a delegated power or duty, in accordance with the Scheme of delegation.

“Council” means The Borough Council of King's Lynn and West Norfolk and unless the context otherwise states shall apply equally to the Cabinet, any Portfolio members or Committee or Board of the Council.

“Disciplinary Action” means any action occasioned by alleged misconduct which, if proved, would according to the usual practice of the Council be recorded on the officers personal file and includes any proposal for dismissal of an officer for any reason other than early retirement, redundancy or ill health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the authority has undertaken to renew such a contract.

“Employee” means an employee of the authority or a paid officer of the authority.

“EU” means European Union.

“Cabinet” means the Leader of the Council and members of the Council appointed by the Leader to be its Executive under Section 15 of the 2000 Act and, except where the context otherwise admits, includes:

- (i) any Committee of the Cabinet; and
- (ii) the appropriate Portfolio Holder

“Executive Functions” means all of the function and duties of the Council other than those specifically reserved to the Council for approval or specifically delegated to a Committee (whether by resolution of the council or operation of law) or to an Officer. [The Functions of Cabinet](#)

“Portfolio Holder” means any member of the Cabinet [also known as the Executive](#), including the Leader of the Council.

“Forward Plan” means the plan maintained by the Council under Regulations 13 and 14 of the Access Regulations, which contains details of key decisions (within the meaning of those Regulations) to be made over the ensuing four months.

“Head of the Authority’s Paid Service” means the person designated as such under section 4 of the 1989 Act.

“Leader of a Political Group” means the leader of a political group as defined in the Local Government (Committees etc) Regulations 1990.

“Leader of the Council” means the Executive Leader of the Council for the purposes of the Local Government Act 2000 and includes the Deputy Leader, if appointed, where the Leader of the Council is for any reason unable to act.

“Mayor” includes a reference to the Deputy Mayor where for any reason the Mayor is unable to act and, where applicable, to the Person Presiding.

“Meeting” means a meeting of the Council, Cabinet, Committee, Sub-Committee Board as the case may be.

“Member” means in relation to the Council, a member of the Council; and in relation to any Committee or Sub-Committee, a person appointed as a Member of that Committee or Sub Committee, whether or not entitled to vote; but shall not include any person who is a member of the Council only by virtue of Section 3(3) or Section 5(2) of the 1972 Act (Mayor and Deputy Mayor to remain members until replaced).

“Monitoring Officer” means the officer designated under Section 5(1) of the 1989 Act.

“Number of Members” means, in relation to the Council, the number of persons who may act at the time in question as Members of the Council; and in relation to a committee or the executive, the number of persons who may act at the time in question as voting members of that body.

“Openness Regulations” means The Openness of Local Government Bodies Regulations 2014

“Scrutiny and Overview Committee” means a Committee appointed by Council under Section 21 of the 2000 Act

“Person Presiding” means the Mayor or Chairman, as the case may be, or other person entitled, or appointed, to take the chair at any meeting,

“Petition” means a formal request to the Council signed by not less than 250 persons relating to a

matter within the jurisdiction or sphere of influence of the Council.

“Political Group” means a political group as defined in the Local Government (Committees etc.) Regulations 1990.

“Portfolio Holder” means the Cabinet Member where delegated responsibilities cover the matter under consideration

“Standards Committee” is the Committee appointed by the Council for the purposes of Sections 53 and 54 of the 2000 Act.

“Supervising Chief Officer” means the Chief Officer or any other officer nominated by him/her in writing who has the responsibility for the performance of a particular Contract.

“The 1972 Act” means the Local Government Act 1972.

“The 1989 Act” means the Local Government and Housing Act 1989.

“The 2000 Act” means the Local Government Act 2000.

“Without Comment” means in relation to the moving, seconding or putting of a motion, without any person speaking except to indicate the wording of the motion, the fact that it is being moved, seconded or put, or (in the case of the Person Presiding) the effect of adopting the motion.

3. Where any notice or other papers are to be sent or otherwise addressed to a Member, they shall be sent to his/her usual place of residence as shall have been notified by the Member in writing to the Chief Executive.

1 Application of Standing Orders

Extracts from the statutes

*Subject to the provisions of the 1972 Act, a local authority may make Standing Orders for the regulation of their proceedings and business and may vary or revoke any such orders.
(Local Government Act 1972, Sch 12, par 42)*

*Standing Orders may be made as respects any committee of a local authority by that authority or as respects a joint committee of two or more local authorities by those authorities with respect to the quorum, proceedings and place of meeting of the committee or joint committee (including a sub-committee)
(Local Government Act 1972 s 106)*

The Secretary of State may by regulations require relevant authorities subject to such variation as may be authorised by the regulations

- (a) *to incorporate such provision as may be prescribed in the regulations in Standing Orders for regulating their proceedings and business; and*
- (b) *to make or refrain from making such other modifications of such Standing Orders as may be so prescribed.
(Local Government and Housing Act 1989 s 20 (1)).*

- 1.1 These Standing Orders shall be used to regulate the conduct of any meeting of the Council (Cabinet, Committees, Sub Committees, Panels, Boards, delegated decisions of Cabinet)
- 1.2 The ruling of the Person Presiding at any meeting as to the construction or application of any of these Standing Orders shall not be challenged at that meeting.
- 1.3 Where any of these Standing Orders provides for, or requires, the giving of notice in writing to any person, such notice may be given by e-mail or by facsimile.

2 Suspension of Standing Orders

- 2.1 The ruling of the Person Presiding at any meeting as to the construction or application of any of these Standing Orders shall not be challenged at that meeting.

- 2.2 Subject to paragraph 2.3 of this Standing Order, and to the extent permitted by any Act of Parliament, Standing Orders other than this one may be suspended.
- 2.3 Standing Orders shall only be suspended in exceptional circumstances if a motion to suspend is moved and supported by a majority of the members who are present at any meeting of the Council or a meeting at which the motion is moved.
- 2.4 If any motion to suspend any Standing Orders is passed then, unless Council expressly determines otherwise, those Standing Orders shall remain suspended only until the completion of the item of business that immediately follows the motion to suspend.
- 2.5 The proposer and seconder of any motion to suspend any Standing Orders shall be minuted and the Standards Committee may require them to explain their reasons.

3 Amendment to Standing Orders

- 3.1 Standing Orders may be amended only by a meeting of the Council and to the extent permitted by any Act of Parliament.
- 3.2 Every Member of the Council shall be provided with a printed copy of these Standing Orders when members first declare acceptance of office or whenever they are amended.

4 Meetings of the Council

Extracts from the Statute

A principal council shall in every year hold an annual meeting.

The annual meeting of a principal council.....shall be held

- (a) *in a year of ordinary elections of councillors to the Council on the eighth day after the retirement of Councillors or such other day within twenty-one days immediately following the retirement as the Council may fix,*
- (b) *in any other year, on such day in the month of March, April or May as the Council may fix.*

An annual meeting of a principal council shall be held at such hour as the Council may fix or if no Hour is so fixed at twelve noon.

A principal council may in every year hold, in addition to the annual meeting, such other meetings as they may determine. Those other meetings shall be held at such hour and on such days as the council may determine.

Meetings of a principal council shall be held at such place, either within or without their area as they may direct. (Local Government Act 1972, sch 12, para, 1, 2, 4)

A member of the executive.....may not be elected as the chairman or vice-chairman of the Council. (Local Government Act 1972, ss 3 and 5)

- 4.1 Meetings of the full Council ("the Council") shall be conducted in accordance with these Standing Orders except to the extent that they are suspended under the procedure that is set out by Standing Order 2.
- 4.2 An Annual Meeting of the Council shall be held every year on a Thursday in April or May on a date to be decided by the Council. That meeting shall transact the following business only.
- (a) The election of the Mayor and the Deputy Mayor, who shall be respectively Chairman and Vice Chairman of the Council.
- (b) Conveying the Council's appreciation of the work carried out by the retiring Mayor and Deputy Mayor and their consorts.
- (c) Appointing Members to Council Bodies (other than the Cabinet).

- (d) Appointing the Chairman of the Cabinet (who shall be Leader of the Council) for a four year period following the elections and the Chairmen and Vice Chairmen of other Council Bodies unless they appoint their own Chairmen and Vice-Chairmen.
 - (e) Considering such other urgent business as the Chief Executive has to report.
- 4.3 The Council will also hold Ordinary Meetings to carry out its general business on such dates as the Council shall fix.
- 4.4 Extraordinary Meetings of the Council may also be called at any time by the Mayor (or deputy mayor in his/her absence) and shall be held, within two weeks, whenever the Chief Executive receives requests for one to be held from five or more Members of the Council.
- 4.5 All meetings of the Council shall be held in the Trinity Guildhall in King's Lynn, or any other venue that the Council considers more satisfactory, at such times as shall be fixed and notified to Members.
- 4.6 If an election or emergency occurs the Chief Executive may, after consulting with such of the Mayor, the Leader of the Council and Leaders of the Political Groups as can conveniently be contacted, vary any arrangement agreed by the Council under this Standing Order.
- 4.7 No extraordinary Meeting shall be called unless it is proposed to transact business at the Meeting that, in accordance with the relevant enactment's and these Standing Orders, may be transacted at that meeting.

5 The chairing of meetings

Extracts from Statutes

At a meeting of a principal council the chairman, if present, shall preside.

If the Chairman is absent from a meeting of a principal council, then

- (a) *except in Greater London, the vice-chairman of the council, if present, shall preside.....If,*
- (b) *in the case of a principal council outside Greater London, both the chairman and vice-chairman of the council are absent from a meeting of the council;....*

*Another Member of the Council, chosen by the members of the Council present shall preside.
(Local Government Act 1972, Sch 12, para. 5)*

- 5.1 If the Mayor is absent from a meeting of the Council, the Deputy Mayor shall chair the meeting.
- 5.2 If it is necessary to choose a Member of the Council to preside in the absence of the Mayor and Deputy Mayor, the Chief Executive shall call for a motion that a Member of the Council, who is not a member of the Cabinet, to be named shall take the Chair.
- 5.3 Any power or duty of the Mayor in relation to the conduct of the meeting may be exercised by the person presiding at the meeting.
- 5.4 If either or both of the Chairman and Vice Chairman of a Meeting or a Task Group are absent from a meeting of such a Body, the members of that Body who are present at the meeting shall elect a member to act as Chairman and/or a Vice Chairman for that meeting before any other business is transacted.
- 5.5 The Chairman and Vice Chairman of a Task Group may be appointed by the meeting which established it, in default of which they will be appointed at the first meeting of the Task Group by its members.

6 Quorum

Extracts from the Statute

*(Subject to the following provision), no business shall be transacted at a meeting of a principal council unless at least one quarter of the whole number of members of the council are present.
(Local Government Act 1972, Sch 12, para 6)*

*Where more than one third of the members of a local authority become disqualified at the same time, then, until the number of members in office is increased to not less than two-thirds of the whole number of members of the authority, the quorum of the authority shall be determined by reference to the number of members of the authority remaining qualified instead of by reference to the whole number of members of the authority,
(Local Government Act 1972, Sch 12, para 45)*

- 6.1 If, during any Meeting of the Council or a Task Group, the Chairman, after causing the Number of Members present to be counted, declares that there is not a quorum present (1/4 of the number of members of the meeting) and/or not less than 3 members in any event, the Meeting shall stand adjourned for fifteen minutes.
- 6.2 If, after fifteen minutes, the Chairman after again causing the Number of Members Present to be counted, declares that there is still no quorum and/or not less than 3 members present, the Meeting shall end.
- 6.3 Notwithstanding any provision in these standing orders that notices of questions or motions shall lapse, the consideration of all business which is on the agenda of a Meeting brought to an end under the previous paragraph, and which has not been completed before the Meeting is brought to an end, shall be postponed to the next meeting of the Council, whether ordinary or extraordinary, insofar as allowed by law.

7 Business which may be transacted at any meeting

- 7.1 Except as provided by paragraph 7.2 of this Standing Order, notice of the business to be transacted at a meeting shall be given to all Members of the Council at least five days before the date of the meeting (not including the day on which the notice is sent to each Member and the day of the meeting).
- 7.2 Items of business may be considered at a meeting notwithstanding that five clear days' notice of that business has not been given if, in the opinion of the Chairman of the meeting, special circumstances exist which require that the item should be considered as a matter of urgency and the meeting, without debate, consents.
- 7.3 Whenever business is transacted in accordance with Standing Order 7.2, the Chairman of the Meeting shall be required to specify the special circumstances that require the item to be considered as a matter of urgency, and those matters shall be recorded in full in the minutes of the meeting.

8 Order of Council business

Extract from the Statutes

Five clear days at least before a meeting of a principal council.

- (a) *notice of the time and place of the intended meeting shall be published at the Council's offices, and where the meeting is called by Members of the Council the notice shall be signed by those members and shall specify the business to be transacted thereat.*
- (b) *a summons to attend the meeting, specifying the business proposed to be transacted thereat, and signed by the proper officer of the council, shall.....be left at or sent by post to the usual place of resident of every member of the council.*

(Local Government Act 1972, Sch 12, para 4(2))

An item of business may not be considered at a meeting of a principal council unless either

- (a) *a copy of the agenda including the item (or a copy of the item) is open to inspection by members of the public....for at least five clear days before the meeting or, where the meeting is convened at shorter notice, from the time the meeting is convened; or*
- (b) *by the reason of special circumstances, which shall be specified in the minutes, the chairman of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.*

(Local Government Act 1972, s 100B(4))

Want of service of a summons on any member of the Council shall not affect the validity of the Meeting.

(Local Government Act 1972, Sch 12, para 4(4)).

Except in the case of business required by statute to be transacted at the Annual Meeting of the Council and other business brought before that meeting as a matter of urgency in accordance with Standing Order 6, no business shall be transacted at a meeting of the Council other than that specified in the summons.

(Local Government Act 1972, Sch 12 para 4(5)).

- 8.1 The first item of business shall be to consider whether to approve as a correct record, and sign, the minutes of the preceding meeting(s) of the Council.
- 8.2 Unless any resolution is passed to vary it, the remaining business shall be dealt with in the following order:-
 - (a) Declarations of interest
 - (b) Any formal communications written or received by the Mayor.
 - (c) Any business expressly required by statute to be done.
 - (d) Urgent matters as defined by Standing Order 7.
 - (e) Any business that remains from the previous meeting.
 - (f) Questions and petitions submitted by members of the public under Standing Order 9.
 - (g) Questions from Members of the Council under Standing Order 11.
 - (h) Business referred to the Council under the “call-in” procedures of Standing Order 12.
 - (i) Reports and recommendations from Council Bodies.
 - (j) Any other matters considered by the Chief Executive in consultation with the Mayor needing immediate consideration.
 - (k) Notices of motion made in accordance with Standing Order 14.

9 Please see Petition Scheme (agreed at full Council June 2010) which supersedes this Standing Order. Public question time and petitions at meetings of the Council

9.1 Public question time

- 9.1.1 At each meeting of the Council, a period not exceeding thirty minutes shall be allowed for persons not being members of the council having an interest in the Borough to ask questions about:-
 - (a) the Council’s policies; or
 - (b) the work of the Council in respect of any matter or issue affecting the Borough.

- 9.1.2 The Chief Executive shall not allow any questions that, in his opinion:-
- (a) relate solely to the questioner or their family;
 - (b) contain any defamatory, confidential or exempt material or would require a response that might be defamatory or require the disclosure of confidential or exempt material;
 - (c) relate to specific applications for planning permission or for licences; or
 - (d) relate to individual Members or Officers of the Council or an individual member of the public.
- 9.1.3 Electors who wish to ask questions under this standing order must submit them in writing to the Chief Executive before 5pm of the third day before the day of the meeting at which they are to be put or presented.
- 9.1.4 The receipt of questions under this Standing Order shall be recorded in a register in the order in which they are received and they will be presented to the Council in that order. The register shall be open to inspection by members of the public.
- 9.1.5 The Chief Executive shall write to each person whose question is entered into the register kept in accordance with paragraph 9.1.4 and confirm:-
- (a) whether their question may be asked;
 - (b) the date, time and place of the meeting at which the question may be asked;
 - (c) the procedure for asking their question and receiving an answer; and
 - (d) their position in a list of the persons whose questions have been accepted.
- 9.1.6 The questions that may be asked under this Standing Order shall not appear on the agenda of the meeting at which they are to be asked, but will be notified separately to each Member of the Council, the press and members of the public who attend that meeting.
- 9.1.7 The person who submits a question under this Standing Order shall normally ask it. However, the Mayor may allow that person to be accompanied by a friend and allow the friend to ask the question.
- 9.1.8 A question that is asked under this Standing Order shall be addressed to the Mayor and shall be answered by any Member or Officer of the Council nominated by them. An answer may take the form of:-
- (a) a direct oral response; or,
 - (b) in exceptional cases, where an oral reply cannot be given conveniently, by a written answer, which shall be given to the questioner within 7 days of the date of the meeting or such longer period as the Mayor may allow. In every case where an oral response is not given, the Mayor will state that an oral response would be inconvenient and the reasons for this, which will be minuted.
- 9.1.9 Every questioner may ask a supplementary question once their first question has been answered but no exchange (including the time taken to ask and answer a supplementary question) shall be permitted to exceed a total of 5 minutes.
- 9.1.10 Any question that is accepted under paragraph 9.1.5 of this Standing Order, but cannot be asked at the meeting because of lack of time, shall be answered in writing by a Member or Officer of the Council within 7 days of the meeting. The person responsible for answering the question shall be announced by the Mayor at the end of each Public Question Time.
- 9.1.11 Every question shall be asked and answered without there being any debate of that matter by the Council.

9.2 **Petitions**

- 9.2.1 The Council will accept paper petitions either sent or presented to us. The Council will also accept online petitions, using our petition tool on our website. The Council can accept petitions which are emailed to us, or created using other petition software, but only if the names, addresses and the email addresses of the people who have signed the petition are attached.
- 9.2.2 In order to meet the requirements of the Council's Petition Scheme, a petition must contain a minimum of 250 signatures.
- 9.2.3 The Council will not deal with petitions that:
- (a) Include a matter which in our opinion is vexatious, abusive or contains otherwise inappropriate comments eg containing swearing or other insults or anything that is false or potentially defamatory.
 - (b) Do not comply with data protection, libel, equalities and anti-discrimination legislation.
 - (c) Concern employment matters for Borough Council staff.
 - (d) For issues, such as planning and licensing decisions or council tax banding and non-domestic rates, there is already an established way for communities to have their say, so these are not included in our petition scheme.
 - (e) Are substantially the same as a similar petition considered by the Council in the preceding 12 months.
- 9.2.4 The Council reserves the right not to take action on:
- (a) Party political material.
 - (b) Information which may be protected by an injunction or court order.
 - (c) Material which is potentially confidential, commercially sensitive, or which may cause personal distress or loss.
 - (d) Any commercial endorsement, promotion of any product, service or publication.
 - (e) The names of individual officials of public bodies, unless they are part of the senior management of those organisations.
 - (f) The names of family members of elected representatives.
 - (g) The names of individuals, or information where they may be identified, in relation to criminal accusations.
 - (h) Language which is intemperate, provocative, racist, sexist, homophobic etc.
 - (i) Petitions that are similar to and/or overlap with an existing petition or petitions.
 - (j) Has previously been dealt with as a petition within the last 12 months.
 - (k) Statements that don't actually request any action.
 - (l) Working that is impossible to understand.
 - (m) Statements that amount to advertisements.
 - (n) Petitions which are solely intended to be humorous.

- (o) Issues for which a petition is not the appropriate channel (eg correspondence about a personal issue).
 - (p) Freedom of Information or Environment Information requests.
 - (q) During politically sensitive periods, such as just before an election, if it is considered that a petition contains politically controversial material, the Council may decide not to accept a petition, or defer its consideration until after the election. If this is the case, the Council will explain the reasons and the revised timescale which will apply.
- 9.2.5 Where the number of signatures exceeds 2,500, a petitioner may request that a relevant Executive Director attends a meeting of an Overview and Scrutiny Panel to give evidence and answer questions. Panel members will ask the questions at the meeting, but the petitioner will be able to suggest questions to the Chairman of the Panel by contacting the relevant Democratic Services Officer at least 2 working days before the meeting.
- 9.2.6 If a petition is presented to the Council containing the signatures of 5,000 or more persons, it will trigger a debate by full Council. This will usually take place at the next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting.
- 9.2.7 If the petition organiser [at 9.2.6 above](#) wants to present their petition to a meeting of the Council, or would like their Councillor or someone else to present it on their behalf, they should contact the Democratic Services Office at least 10 working days before the meeting to arrange this.
- 9.2.8 When the petition is presented to the Council, the elector who submitted it (or their nominee) shall be entitled to speak in support of the petition, for up to 5 minutes. The petition will then be discussed by Councillors for a maximum of 15 minutes. A decision will be made on how to respond to the petition at this meeting. This could be:
- (a) To take the action the petition requests.
 - (b) Not to take the action requested for reasons put forward in the debate.
 - (c) To commission further investigation into the matter, for example by a relevant panel or committee.
 - (d) Where the issue is one on which the Cabinet is required to make the final decision, the Council will decide whether to make recommendations to inform that decision.
- 9.2.9 The petition organiser will receive written confirmation of this decision. This confirmation will also be published on the Council's website.

(Local Government, Economic Development and Construction Act 2009. Scheme approved by Council 24 June 2010)

10 Debates involving interested organisations on matters of interest to the wider community of the Borough

- 10.1 The Council may promote a debate on a matter of interest to the wider community of the Borough involving the participation of representatives of other organisations under a procedure that will be determined by the Council from time to time.

11 Questioning of the Chairmen of Council bodies and members of the Cabinet

- 11.1 Every Member of the Cabinet shall present a report to each Ordinary Meeting of the Council on matters of interest for which they have responsibility that have arisen since the last Ordinary Meeting of the Council.
- 11.2 A Member of the Council may then, without first giving notice, ask:-
- (a) any Member of the Cabinet questions about:

- i) each separate item in the minutes of meetings of the Cabinet being presented to the meeting in question; and
 - ii) any other matter within their remit.
 - (b) and thereafter the Chairman of any Committee, Sub-Committee, Board, Panel but not Task Group (other than the Cabinet) questions about work of their Committee/Panel.
- 11.3 The Mayor may disallow, re-direct or postpone any question asked under this Standing Order.
- 11.4 A Member who is asked a question under this Standing Order may decline to answer it, make a written answer (which shall be provided to every Member within 7 days of the meeting) or may refer the question to another appropriate Member.
- 11.5 Every question arising under Standing Order 11 shall be asked and answered without debate but any Member who receives an oral answer may ask a supplementary question of the Member who answered provided, in the opinion of the Mayor, it does not introduce a new matter.

12 The calling-in of Cabinet recommendations and executive decisions

- 12.1 Any Cabinet decision, delegated ~~portfolio holder~~Cabinet Member's decision or Cabinet recommendation to the Council, may be presented for call-in to the Cabinet Scrutiny Committee.
- 12.2 In this Standing Order, what applies to a recommendation or decision applies to a part of one.
- 12.3 No recommendation or decision shall be called-in unless: (i) at least four members of the Council give notice in writing to the Chief Executive of their desire to effect a call-in; and (ii) such notice:
- (a) is supported by each Member who desires to call-in a recommendation or decision; and
 - (b) is delivered to the Chief Executive before twelve noon of the fifth working day after the one on which the recommendation or decision was published; and
 - (c) specifies the recommendation or decision, or part thereof, which it is intended should be the matter of a call-in; and
 - (d) specifies the ground(s) upon which it is desired to call-in any matter under this Standing Order.
- 12.4 Provided the Chief Executive is satisfied that a notice of call-in complies with paragraph 12.3, he/she will then determine whether or not the call-in is sufficiently valid to pass to the ~~Cabinet Scrutiny Committee~~ Corporate Performance Panel for consideration (in the absence of the Chief Executive this responsibility will fall to the Council's Monitoring Officer). In assessing the validity of the call-in, regard shall be had to the following:
- (a) Is the decision against a declared policy or budget provision of the Council?
 - (b) Is the decision contrary to the views of a key partner authority to the Borough?
 - (c) Has a relevant, material matter not been considered in reaching the decision or has a relevant, material matter been overlooked in reaching the decision?
 - (d) Have the views of Members requesting the call-in been fairly taken into account in arriving at the decision, so making a call-in unnecessary?
 - (e) Is the decision likely to cause distress, harm or significant concern to a local community or to prejudice individuals within it?
 - (f) Is the matter one which has already been subject to consultation or debate with relevant interested parties so making further debate through Scrutiny unnecessary?

- (g) Is the advice contrary to the advice of the relevant professional institution?
- (h) Is there clear evidence of a breach of procedure?
- 12.5 If the Chief Executive (or Monitoring Officer) subsequently determines not to advance the call-in, he/she will promptly inform the proposer and supporters of the call-in of his/her decision and the reasons for it.
- 12.6 If it is determined that the call-in is sufficiently valid (in accordance with paragraph 12.4 above) then the Chief Executive (or Monitoring Officer) will direct the Scrutiny Officer to promptly e-mail a summary of the call-in to the Chairman of the ~~Cabinet Scrutiny Committee~~ Corporate Performance Panel.
- 12.7 Once formal notification of a valid call-in has been received, the Chairman of the ~~Cabinet Scrutiny Committee~~ Corporate Performance Panel shall request that any additional information, if required beyond that contained within the report supporting the recommendation(s) / decision(s), be suitably collated to facilitate meaningful consideration of the matter by the ~~Cabinet Scrutiny Committee~~ Corporate Performance Panel. This information should be appropriately distributed in advance of the Committee meeting at which the call-in is to be considered and debated in accordance with Standing Order 15.
- 12.8 Upon conclusion of the debate the ~~Cabinet Scrutiny Committee~~ Corporate Performance Panel will decide upon one of the following two courses of action:
- (a) support the Cabinet/~~portfolio holder~~ Cabinet Member's recommendation(s) or decision(s). In this case the recommendation(s) or decision(s) will, respectively, be free to pass to Council as they originally stood, or, be available for immediate implementation; or,
 - (b) uphold the call-in.
- 12.9 If the ~~Committee Panel~~ Panel upholds the call-in it may then take one of three courses of action:
- (a) report to Council, Cabinet or the relevant ~~Portfolio Holder~~ Cabinet Member requesting that the Cabinet/~~portfolio holder~~ Cabinet Member's/officer amend or substitute the recommendation(s) or decision(s); or,
 - (b) if the issue is considered urgent or straightforward, formulate a counter-recommendation or amendment; or,
 - (c) investigate the matter further at another meeting within thirty working days ~~??~~ (beginning with the day after the issue of the notification of the call-in) and then follow the same process as set out above (12.8-12.10)
- 12.10 The Cabinet/~~portfolio holder~~ Cabinet Member may amend, substitute or withdraw any recommendation or decision in respect of any matter that has been called-in under paragraph 12.3 of this Standing Order.
- 12.11 Decisions or recommendations that are amended or substituted in advance of the call-in being considered will then be subject to a renewed call-in period as if the decision/recommendation had been made for the first time. However, if the original proposers of the call-in still wish to call-in the recommendation or decision, after amendment or substitution by the Cabinet/~~portfolio holder~~ Cabinet Member/officer, the Chief Executive will make a decision as to whether the matter may be considered/debated at the originally scheduled meeting or whether a new call-in process/schedule will need to be instigated.
- 12.12 No decision of the Cabinet/~~portfolio holder~~ Cabinet Member that is called in under paragraph 12.3 of this Standing Order shall be acted upon (even if it is amended, substituted or withdrawn) until the call-in is either ended by the ~~Cabinet Scrutiny Committee~~ Corporate Performance Panel or approved by the Council.

12.13 When the ~~Cabinet Scrutiny Committee~~Corporate Performance Panel resolves that a call-in shall be ended, the recommendation or decision (as amended or substituted) shall proceed as if no call-in had been made.

12.14 If the ~~Cabinet Scrutiny Committee~~Corporate Performance Panel:-

- (a) does not end a call-in within 30 days[?] from the date of the decision which has been called in (and the recommendation or decision remains in dispute); or
- (b) refers a call-in directly to Council under paragraph 12, the Council shall determine whether to approve the recommendation or decision that has been called-in or to revoke, vary, amend and/or remit it back to the Cabinet/~~portfolio holder~~Cabinet Member for further consideration.

12.15 Urgent Decisions

If the Cabinet is proposing to take a Key Decision as an Urgent Decision – and therefore not subject to call in – No such recommendation or decision shall be called-in if the Leader of the Council, after first obtaining notice in writing that the recommendation or decision proposed must be acted on urgently; and that failure to do so would substantially prejudice the interests of the residents of the Borough or the Borough itself; obtains agreement from the Chairman of the ~~Cabinet Scrutiny Committee~~Corporate Performance Panel, or in his absence the Vice Chairman of ~~Cabinet Scrutiny Committee~~Corporate Performance Panel, or in their absence the Mayor and in the absence of the Mayor, the Deputy Mayor, that the matter must be acted on urgently without the availability of call in. The Leader of the Council shall report quarterly to Council details of any decisions acted on urgently in the preceding quarter. NB: Non Key Decision Urgent Decisions may be taken without this process providing the reasons for it are given by the Chairman or decision maker. (S 15 & 16(Access to Information) (England) Regulations 2000.

12.16 Any matter which is a function of the Cabinet and has been exercised by one or more Cabinet Members, may, subject to clause 12.3, be called in provided that the matter, once determined, may not subsequently be called in once the initial decision has been made and the call-in process has expired (regardless of whether or not the matter was called-in) unless in the opinion of the Chief Executive on the advice of the Monitoring Officer, the matter has substantially changed since it was first decided.

For Exceptions see Standing Order 30.5.

~~12.17 Subject to Standing Order 12.16 no key decision may be taken unless:-~~

- ~~(a) notice of the decision has been published in the Forward Decision List~~
- ~~(b) At least 5 clear days have elapsed since the publication of the forward decision list~~
- ~~(c) Notice of the meeting or intended decision making has been given~~
- ~~(d) Five working days following the making of the decision have elapsed and no call-in has been received in accordance with standing order 12.3 above~~

13 Motions and amendments that may be moved without notice

13.1 Motions and amendments may be moved and applications made without notice provided that they relate to:-

- (a) the appointment of a temporary Chairman of a meeting which has none present.
- (b) the accuracy of a minute.
- (c) the order of item(s) of business.
- (d) the referral of any matter to another meeting for consideration and/or determination..
- (e) the appointment of members that arises from any item of business at a meeting.

- (f) a recommendation to Council.
- (g) permission to withdraw a motion or amendment.
- (h) permission to extend the length of a speech.
- (i) the amendment of a motion.
- (j) any procedural motion under Standing Order 15.
- (k) a motion to suspend any Standing Orders under Standing Order 2.
- (l) a motion to exclude the press and public under section 100A and Schedule 12A of the Local Government Act 1972.
- (m) a motion proposing that a Member, whom it names for disorderly conduct under Standing Order 25, be not further heard or do leave the meeting.
- (n) a motion that authorises the exercise of any statutory duty or power which in the opinion of the Council ought to be exercised as a matter of urgency.
- (o) a motion to obtain any consent of the Council that may be required under these Standing Orders.

14 Notices of motions which may not be moved without notice

- 14.1 A Member may propose a motion for debate by Council provided it is relevant to some matter in relation to which this Council has powers or duties or which affects the Borough.
- 14.2 A Member who wishes to move a motion which may only be moved with notice shall give notice in writing to the Chief Executive. The notice shall:-
- (a) state the motion that the Member desires to move in such a way that it is clear what the member is proposing.
 - (b) be delivered to the Chief Executive at least seven clear days before the date of the meeting of the Council at which it is proposed to debate the motion.
 - (c) state the date of the meeting at which Council is to be invited to debate the motion if it is not the next ordinary meeting for which it is eligible.
- 14.3 Upon the receipt of such a notice, it shall be stamped with the date and time of its receipt and, provided the Chief Executive is satisfied that it complies with paragraphs 14.1 and 14.2, the full text of the motion shall be entered in a register of motions, which shall be open to inspection by any Member of the Council.
- 14.4 Motions shall be entered in the register specified in paragraph 14.3 in the order in which they are received by the Chief Executive.
- 14.5 The Chief Executive shall advise a Member, who sent in a notice that does not comply with this Standing Order, in what way it fails to do so.
- 14.6 After a formal seconding, and before the debate of any motion notified under this Standing Order, the Council shall decide whether it will be debated immediately or by Council at a later date and, if the meeting decides the motion will not be debated then, which Council Body it shall be referred to for consideration and/or determination.
- 14.7 A Member, shall be permitted to speak in support of the motion at the meeting of the Council Body at which it is debated, but shall not vote on the matter unless they are a member of that Meeting.
- 14.8 If a Motion is referred, under Standing Order 14.6 to a Council body, and if that body is empowered by the constitution to make a decision, it will in any event return the motion to Council for further consideration, should Council so decide at the time of referral

SEE APPENDIX 1

15 Rules of debate

A - Moving and disposing of motions and amendments

- 15.1 In these Standing Orders “the substantive motion” means any motion under debate that appears on the agenda or arises from it.
- 15.2 The debate of a motion shall begin by the substantive motion being proposed and seconded and no motion shall be debated unless and until it has been proposed and seconded.
- 15.3 However, when a report contains more than one recommendation, members of the reporting body shall move and second the adoption of all of them. The Member proposing the adoption of the report may assign any of their rights of reply to other members of that Body nominated by them. Otherwise it will be debated normally.
- 15.4 Any Member who desires to propose an amendment to a substantive motion which has been seconded shall then propose their amendment, but no amendment to a motion shall be debated further until it has been proposed and seconded.
- 15.5 An amendment to a substantive motion, including one that has been amended, shall not introduce a new issue and shall be limited to omitting words from, adding words to, or substituting words in the substantive motion; and it shall not have the effect of negating the substantive motion.
- 15.6 If an amendment under paragraph 15.5 of this Standing Order is seconded, the amendment shall be debated until no other Member wishes to speak or a procedural motion curtailing debate is passed. No amendment shall be moved to an amendment.
- 15.7 If an amendment is passed the motion (as amended) shall become the substantive motion.
- 15.8 The Person Presiding shall not permit a further amendment to be moved or debated until a preceding amendment has been dealt with.
- 15.9 After all amendments have been dealt with, the substantive motion (incorporating any amendments which have been passed) shall be debated until no other Member wishes to speak or a procedural motion curtailing debate is passed.
- 15.10 A motion or amendment may be withdrawn by the mover with the consent of their seconder and of the Council (which shall be given without debate) and no member may speak upon it after the mover has asked permission for its withdrawal, unless such permission has been refused.

B-The conduct of Members during debate

- 15.11 If two or more members wish to speak at once, the Mayor shall call on one to speak.
- 15.12 Members shall speak only once about the motion or the amendment which is then under debate with the exception of the ~~Development Control Board~~Planning Committee where a Member seeks to raise a new point
- 15.13 No speech shall exceed five minutes except with the consent of the Council.
- 15.14 A Member who moves a motion may make the following speeches:-
- (a) to open the debate on the substantive motion; and,
 - (b) to exercise a right of reply at the close of the debate on the substantive motion; and,
 - (c) to exercise a right of reply at the close of any debate on any amendment to the substantive motion.
- 15.15 A person other than the mover of a motion may make the following speeches:-

- (a) to second, or speak on, the substantive motion; and
- (b) to speak on any amendment (including proposing or seconding an amendment).

A Member, who seconds a motion or an amendment by stating that they are doing so formally, remains eligible to speak later in the debate.

- 15.16 A Member who moves an amendment (including any amendment which becomes part of a substantive motion) has no right of reply at the end of the debate on that amendment (or at the end of the debate on the substantive motion).
- 15.17 The Mayor shall call the attention of the Council to continued irrelevance, tedious repetition, or where a question is being asked, failure to put the question expediently and may rule such matters to be disorderly conduct.

C- Special procedural motions for ending a debate or meeting

15.18 While a motion is being debated, no other motion (other than an amendment) shall be proposed except for any of the following motions which vary normal procedure:-

- (a) a motion “that the question now be put”, which, if passed, will curtail the debate and cause a vote to be held on the motion or amendment under consideration;
- (b) a motion “that the Council proceed to next business”, which, if passed, will cause the meeting to proceed to the next item of business without completing the item under debate;
- (c) a motion to “adjourn the debate”, which, if passed, postpones further debate on the motion under consideration to a later date as the Mayor or Chairman shall direct.
- (d) a motion “that the meeting be adjourned”, which, if passed, will result in the meeting being adjourned and any matter that is being debated, but has not been voted on when this motion is passed, being considered at a later date as the Mayor or Chairman shall direct.

15.19 Any of the procedural motions listed in paragraph 15.18 of these Standing Orders:-

- (a) shall be voted on without debate.
- (b) may be disallowed by the Chairman if they consider the motion to have been moved prematurely so that, if passed, it would operate to curtail proper debate.

15.20 A motion “that the question now be put” may only be moved by a Member who has not spoken previously on the item of business that would be affected. If such a motion is passed, before any “question” is put to the vote as a consequence, the Chairman shall invite the member whose substantive motion would be affected to reply to the debate before their motion is put to the vote.

15.21 A motion “that the Council proceeds to next business” may only be moved by a Member who has not spoken previously on the item of business that would be affected. Before that procedural motion is put to the vote, the Chairman shall invite only the Member whose motion or amendment would be left undecided to speak on the procedural motion.

15.22 A Member may raise a point of order if they become aware of any breach of these Standing Orders, the Council’s Constitution or the law. This must specify which Standing Order, or provision in the Council’s Constitution has been breached or the point of law that has arisen. The ruling of the Chairman of a meeting on a point of order, or as to the conduct of the meeting of the Council or a Council Body or subsidiary body, shall not be challenged during that meeting.

15.23 A Member may raise and pursue a point of personal explanation if, and only so far as, it is necessary to remedy any manifest misunderstanding by a speaker of any part of a statement they have made on the matter under debate.

D- Disorderly conduct by Members of the Council

15.24 A Member who persistently disregards the ruling of the Chairman of any Meeting, or who behaves

irregularly, improperly, or offensively, or who willfully obstructs the business of any such Meeting, shall be guilty of disorderly conduct.

- 15.25 If a motion under paragraph 13.1(m) of these Standing Orders is put and passed in a meeting, any Member who is so named shall not be heard further in any debate during the remainder of that meeting.
- 15.26 If a Member does not comply with a motion that is passed under paragraph 15.25 of this Standing Order, the Chairman of the meeting shall:-
- (a) if the motion was for the Member not to be further heard, move "that the Member do leave the meeting" and that motion shall be put and determined without being seconded and without debate; or,
 - (b) ask the member to leave the meeting room for the remainder of the meeting, or
 - (c) adjourn the meeting for such period as they think fit.
- 15.27 If a Member does not comply with any motion that is passed under paragraph 15.26(a) or (b) of this Standing Order, or continues to disrupt a meeting that reconvenes after a motion under paragraph 15.26(c) has been passed, the Chairman may order such action as is necessary to be taken to secure the removal of that Member from the meeting and prevent their re-entry.
- 15.28 The Chairman of the meeting shall report to the Standards Committee any motion that is passed under paragraphs 13.1(m) or 15.26 and any action occurring under paragraph 15.27 of these Standing Orders.

E- Disorderly conduct in meetings by members of the public

- 15.29 No Member of the public shall interrupt proceedings, behave in a disorderly manner or breach the Protocol relating to the Openness Regulations during a meeting.
- 15.30 Any member of the public who interrupts a meeting behaves in a disorderly manner or breaches the Protocol relating to the Openness Regulations shall be warned by the Chairman of the meeting to stop that behaviour and, if they do not, the Chairman may, without any motion being put or seconded or debated:-
- (a) Adjourn the meeting for as long as they consider necessary; and/or,
 - (b) Order such action as is necessary to be taken to remove the offending person from the meeting and prevent their re-entry.

F- General disturbance of any meeting

- 15.31 The Chairman of any meeting may adjourn that meeting, for as long as they consider necessary, without any motion being put or seconded and without debate if, in their opinion, the behaviour of persons who are present (whether Members of the Council or not) makes it impossible to carry on business in an orderly manner.
- 15.32 Where the Chairman of any meeting invokes this Standing Order because of the conduct of any Member of the Council, they shall report the matter to the Standards Committee.

G - Call-in debating procedure

- 15.33 On receiving valid notice of a call-in under Standing Order 12, the ~~Cabinet Scrutiny Committee~~Corporate Performance Panel should follow the steps outlined below (a-f) in debating the subject matter:
- (a) The Proposer of the call-in and his/her supporters address the ~~Cabinet Scrutiny Committee~~Corporate Performance Panel about the call-in and why it should be upheld;
 - (b) The ~~Committee Panel~~ Members receive a submission from the relevant Portfolio Holder;

- (c) The Committee Panel Members receive submissions from Officers;
- (d) The Committee Panel Members receive submissions from members and, at the discretion of the Chairman, other interested parties.
- (e) The Committee Panel debates the call-in (in accordance with this Standing Order) during which they may question or seek further information from any of the four parties referred to in (a), (b), (c) and (d) above.
- (f) The Proposer shall exercise a right of reply after the debate.

15.34 Following the debate, the Committee Panel will decide (in Accordance with Standing Order 12) either to support the Cabinet/Officer's/~~Portfolio- Holder~~Cabinet Member's recommendation(s)/decision(s), or, to uphold the call-in.

16 The minuting of meetings

Extracts from the Statutes

Minutes of the proceedings of a meeting of a local authority shall....be drawn up....and signed at the same or next suitable meeting of the authority by the Chairman, and any minute purporting to be so signed shall be received in evidence without further proof.

Until the contrary is proved, a meeting of a local authority a minute of whose proceedings has been made and signed in accordance with (these provisions) shall be deemed to have been duly qualified.

For the purposes of (the foregoing provisions) the next suitable meeting of a local authority is their next following meeting or, where standing orders made by the authority in accordance with regulations under Section 29 of the Local Government and Housing Act 1989 provide for another meeting of the authority to be regarded as suitable, either the next following meeting or that other meeting.

(Local Government Act, 1972, sch 12 para 41(1), (3) and (4))

Until the contrary is proved, where a minute of any meeting of [a committee of local authority (including a joint committee) or a sub-committee of any such committee] has been made and signed in accordance with these provisions, the committee or sub-committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute, the meeting shall be deemed to have been duly convened and held and the members present at the meeting shall be deemed to have been duly qualified.

(Local Government Act, 1972 sch 12 para 44(2))

(Note: see also Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000)

- 16.1 In accordance with paragraph 8.2 of these Standing Orders, the Mayor or the Chairman of any meeting shall put the question, "do Members agree that the minutes of the previous meeting be approved as a correct record"
- 16.2 There shall be no discussion about the minutes, except on a motion under paragraph 13.1(b) of these Standing Orders, which shall be confined solely to the question of whether the minute has been recorded accurately.
- 16.3 In the absence of any motion under Standing Order 13.1(b), or as soon as any such motion has been decided, the Mayor or the Chairman of any Meeting shall sign the minutes as a true record of the business transacted at the previous meeting.
- 16.4 The minutes of an Extraordinary Meeting of the Council shall be approved and signed at the next Ordinary Meeting of the Council.
- 16.5 The minutes of all meetings shall be made available to every Member of the Council, and the signed copies of all such minutes shall be bound together in a book and retained by the Chief Executive as a public record.

17 Voting

Extracts from the statutes

Subject to the provisions of any enactmentall questions coming or arising before a local authority shall be decided by a majority of the members of the authority present and voting thereon at a meeting of the authority.

Subject to those provisions, in the case of an equality of votes, the person presiding at the meeting shall have a second or casting vote.

(Local Government Act 1972, Sch 12 para 39)

[The foregoing provisions] shall apply in relation to a committee of a local authority (including a joint committee) or a sub committee of such a committee as they apply in relation to a local authority.

(Local Government Act 1972, sch 12, para 44)

- 17.1 All matters on which a vote is taken shall be decided by the majority of the Members present at the meeting and voting on them except that, where there is an equality of votes, the Chairman may give a casting vote irrespective of whether or not they voted in the first instance,
- 17.2 Except as provided by paragraph 17.3 of this Standing Order any vote shall be determined by a show of hands.
- 17.3 With the support of at least 3 other Members, and by indicating to the Chairman of a meeting immediately before a vote on any matter is taken, a Member of the Council may require that the vote be recorded to show whether each Member present voted for or against the motion or abstained from voting - provided that when, in the opinion of the Chairman of that meeting, a recorded vote under this Standing Order is demanded frivolously or vexatiously, the Chairman may put the question of whether the vote should be recorded to the meeting without it being seconded or debated; and this Standing Order may not be invoked on such a vote.
- 17.4 **Council Tax and Budget Setting meeting**
Immediately after any vote is taken at a budget decision meeting of the authority there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.
- 17.5 Immediately after a vote on any matter, a Member may require that the way in which they voted on that matter is recorded in the minutes of the meeting.
- 17.6 Where a vote is required on a motion to appoint or elect to a position and there are more candidates than positions, then for each position the clerk shall announce the name of the candidates and shall then invite each member present to indicate their chosen candidate. At the end of the process the Clerk shall announce the number of voters for each candidate and the one with the most votes shall be appointed.

18 Signing of the attendance book

Extracts from the statutes

The names of members present at a meeting of a local authority shall be recorded.

(Local Government Act 1972, Sch 12, para 40)

(The foregoing provision) shall apply in relation to a committee of a local authority (including a joint committee) or a sub-committee of any such committee as [it applies] in relation to a local authority.

(Local Government Act 1972, Sch 12, para 44(1))

- 18.1 Every Member of the Council attending any Meeting of the Council or a Council Body of which they are a member shall sign their name in the attendance book or on a sheet provided for that purpose.

19 Rescinding a preceding resolution

- 19.1 No motion to or which would have the effect to rescind or reverse a resolution of the Council shall be considered by the Council, within a period of six months from the date of that resolution, unless it is moved in accordance with Standing Order 14 and the notice of motion is supported in writing by at least twenty Members of the Council or one third of the members of the meeting who made the resolution.
- 19.2 The “resolutions” covered by paragraph 19.1 of this Standing Order include decisions in respect of any notice of motion, or any amendment of a notice of motion (whether or not such motion or amendment was passed), as well as any other decision taken in exercise of the Council’s functions.
- 19.3 Once a motion has been moved with the support required in 19.1, no further motion shall be introduced by that means, in respect of substantially the same subject matter, for a period of six months from the day when the motion was moved.
- 19.4 This Standing Order shall not apply to matters that are called in under Standing Order 12 Interest of Members and Officers in contracts and other matters

20 Interests of Members and Officers in contracts and other matters

Extracts from the Statutes

s.117(1) Local Government Act 1972 – Disclosures by Officers of interest in contracts

(1) If it comes to the knowledge of an officer employed, whether under this Act or any other enactment, by a local authority that a contract in which he has any pecuniary interest, whether direct or indirect (not being a contract to which he is himself a party), has been , or is proposed to be, entered into by the authority or any committee thereof, he shall as soon as practicable give notice in writing to the authority of the fact that he is interested therein.

For the purposes of this section an officer shall be treated as having indirectly a pecuniary interest in a contract or proposed contract if he would have been so treated by virtue of section 95 above had he been a member of the authority.

- 20.1 A Member of the Council who is present at any meeting and has any interest pursuant to the Council’s code of conduct in any matter that is the subject of consideration by the meeting shall declare the nature of that interest with an explanation at the start of the meeting or at the earliest available opportunity and if that interest is a disclosable pecuniary interest shall withdraw from the meeting room including from the public gallery while the matter is under consideration unless a dispensation has been granted to that member by the Council’s Standards Committee. For the avoidance of doubt, it is the responsibility of individual members to determine whether or not they have an interest. Failure to declare is a breach of the Council’s Code of Conduct and may result in a referral to the Councils Standards Committee
- 20.2 The Monitoring Officer shall maintain a Register of Member’s Disclosable Pecuniary Interests. This shall be open to inspection by any member of the public and published on the Council’s website.
- 20.3 The Monitoring Officer shall record in a book to be kept for the purpose particulars of any notice of interest given by an employee of the Council under section 117 of the 1972 Act or paragraph (1). The book shall, during ordinary office hours of the authority, be open for inspection by any member.
- 20.4 Where an officer submits a report to a meeting on a matter in which he/she has declared an interest under section 117 of the 1972 Act or Paragraph (1), he/she shall state that such declaration has been, made and give brief details of it, in a separate paragraph at the commencement of the report.
- 20.5 Where any officer advises orally a meeting on a contract, grant, proposed contract or other matter and has declared an interest in the matter, whether under the requirements on section 117 of the 1972 Act, or of paragraph (1), he/she shall remind the meeting orally of that interest, and the reminder shall be recorded in the minutes of the meeting.

21 Canvassing of and recommendations by Members

- 21.1 Canvassing of Members of the Council, directly or indirectly, with regard to any appointment by the Council, shall disqualify the candidate concerned from that appointment; and it shall be the duty of any Member of the Council so canvassed to report that fact to the Chief Executive. The essence of this paragraph of this Standing Order shall be included in every advertisement inviting application for appointments and in every form of application.
- 21.2 A Member of the Council shall not solicit, for any person, any appointment to the Council's employment, but this shall not preclude a Member from giving a written testimonial of a candidate's ability, experience, or character for submission to the Council with an application for appointment.

22 Relatives of Members or Officers

- 22.1 An applicant for any appointment by the Council, who knows that they are related to any Member or senior Officer of the Council, shall inform the Chief Executive of such a relationship when making their application.
- 22.2 An applicant who fails to disclose such a relationship shall be disqualified from appointment and, if appointed, shall be liable to dismissal without notice. Every Member and senior Officer of the Council shall disclose any relationship, known to them to exist between them and any person they know is an applicant for an appointment by the Council, to the Chief Executive.
- 22.3 The essence of this Standing Order shall be included in every form of application.
- 22.4 For the purposes of this Standing Order, "senior Officer" means an Officer graded on Performance Grades SM1-4 and 5 and 6; and "relationship" means being their partner or their own or their partner's parents, grandparents, children, grandchildren, brothers, sisters, uncles or aunts, nephews or nieces.

23 Staff establishment and the filling of vacancies

- 23.1 All vacancies, unless they are to be filled by promotion or transfer from within the Council, or unless the Council determines otherwise, shall be publicly advertised and filled by open competition arising from that advertisement.
- 23.2 No step shall be taken to advertise or fill a vacancy for any post designated as that of a chief officer (as defined in the Local Authority (Standing Orders) Regulations 1993) until such time as the Cabinet has determined whether that post is necessary and the terms and conditions upon which it should be held.
- 23.3 When the Council proposes to appoint such a chief officer, and it is not proposed to appoint that person from a pool limited to officers who are employed by the Council, the Council shall:-
- (a) cause to be prepared, for its approval, a statement specifying the duties attaching to that post and any qualification or qualities required of any person who desires to be appointed to it;
 - (b) cause arrangements to be made for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
 - (c) cause arrangements to be made for a copy of the statement mentioned in paragraph 23.3(a) of this Standing Order to be sent to any person who requests a copy of it.
- 23.4 When a post has been advertised in accordance with this Standing Order, the authority shall invite all qualified applicants for the post to attend for interview, or select a short list of such qualified applicants and invite all those included on the short list to attend for interview.
- 23.5 When no qualified person has applied to fill a vacancy in the opinion of the Executive Director in which a vacancy has been advertised (or, if a vacancy is for an Executive Director or more senior officer, in the opinion of the Appointments Board), the Council shall make further arrangements for the advertisement of the post in accordance with this Standing Order.
- 23.6 Every appointment to a second tier officer post or one more shall be made by the Appointments

Board or a panel of the Board, except the Head of Paid Service which shall be made by the whole Board and shall then be immediately notified to all Members of the Cabinet, each of whom shall have a time limited opportunity to object which if exercised shall halt the appointment procedure where upon a special meeting of the Cabinet shall be convened to determine the next steps.

23.7 The Officer Employment Rules (required by Article 12.10) are those parts of Standing Orders 20 – 24 which relate to employees.

23.8 The posts designated as chief officers (as required by Article 12.02) shall be those indicated in Part 7 of the Constitution.

24 Disciplinary action against Statutory Appointees

24.1 Statutory Appointees: The Chief Executive, Executive Directors, Monitoring Officer, and the Authority's 151 Officer (normally the Executive Director, Finance and Resources) will be subject to disciplinary action only as a result of an Independent Officer's appointment, review, and subsequent recommendation to the Authority. This will be by means of submitted report, and Regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001 will apply.

25 Custody of the Seal

25.1 The Common Seal of the Council shall be kept in a safe place in the custody of the Legal Services Manager or such other Officer designated for the purpose by them.

26 Sealing of documents

26.1 The Common Seal of the Council shall not be affixed to any document unless either [i] the sealing has been expressly authorised by a decision of the Council (Cabinet, ~~Portfolio Holder~~Cabinet Member or Officer to whom, the Council has delegated that power) - or [ii] it is necessary to give effect to such a decision of the Council or one made by its delegated authority.

26.2 The Common Seal shall be attested by the Legal Services Manager or an officer authorised by them, except that the Mayor or Deputy and the Chief Executive may additionally attest any document that is executed for special civic or ceremonial occasions.

26.3 A record of every sealing of a document shall be made and consecutively numbered in a book kept for the purpose and shall be signed or initialed by the Officer sealing the document.

27 Authentication of documents for legal proceedings

27.1 Where production of any document will be a necessary step in legal proceedings on behalf of the Council, it shall be signed by the ~~Head of Legal and Democratic Services~~ Manager unless any enactment otherwise requires or authorises, or the Council gives the necessary authority to some other person for the purpose of such proceedings.

28 Inspection of documents

The Access to Information rules which apply to Council meetings and committees of the Council in executive and alternative arrangement constitutions are set out in section 100A-H and schedule 12A of the Local Government Act 1972

28.1 Every Report will set out a list of those documents (called background Papers) relating to the subject matter of the report which in the opinion of the author:

(a) disclose any facts or matters on which the report or an important part of the report is based; and

(b) which have been relied on to a material extent in preparing the report but does not included published works or those which disclose exempt or confidential information and in respect of executive reports, the advice of a political advisor.

28.2 Subject to paragraph 30.3 of these Standing Orders, a Member of the Council may inspect any document that is within the possession, power or control of the Council provided it is reasonably

necessary for the discharge of their duty; and they shall, if they so request, be provided with a copy of any document that they are entitled to inspect.

- (a) Members shall be entitled to see all documents relied on by the Cabinet acting together or as ~~Portfolio Holders~~Cabinet Members, once a decision has been made, unless the ~~monitoring Monitoring~~ Officer is satisfied that the disclosure of a document would disclose exempt information of a type which may be excluded at law.
- (b) Members of ~~the a Scrutiny and Overview~~Policy Review and Development - Committee Panel may, in addition to rights contained in (a) above be entitled to a copy of any document in the possession or control of the Cabinet that contain material relating to business transacted at a private meeting, a public meeting, a decision made or a key decision made by an officer under delegated powers.

- 28.3
- (a) Public inspection of background papers:
The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.
 - (b) Summary of Public's Rights:
A written summary of the public's rights to attend meetings, report on proceedings and publish results (all in accordance with the Openness Regulations) and to inspect and copy documents must be kept and available to the public at the Council Offices.
 - (c) Exclusion of access by the public to reports:
If the Monitoring Officer thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, the meeting is not likely to be open to the public. Such reports will be marked "not for publication" together with the category of information likely to be disclosed.

29 Membership and constitution of Council bodies

29.1 The Annual Meeting of the Council shall appoint the Chairman and Vice Chairman and each member of the following Bodies with the exception of :

- It shall appoint the Leader of the Council and Chairman of Cabinet for a four year period at the first Annual meeting following the Borough Council elections. The Leader of the Council will then appoint the Vice-Chairman and Cabinet on an annual basis.
- ~~The Chairman Chairmen and Vice Chairman Chairmen of the Cabinet Scrutiny Committ~~Policy Review and Development Panel~~see who are will be~~ appointed by the Committee Panel at its first meeting of the Municipal year
- ~~Scrutiny and Overview Liaison Committee which has a rolling Chairmanship as set out below.~~

Cabinet Scrutiny Committee

~~Up to 9 members.~~

~~Chaired by a member from the major Opposition group and vice-chaired by a member of an Opposition group. Subject to the waiving political proportionality via a nem con vote at Council the ruling political party are to be in a minority. This committee shall appoint its own Chairman and Vice Chairman from within the constraints set out above.~~

Scrutiny and Overview Bodies

Policy Review and Development Panels: Up to ~~12~~5 members

~~Resources and Performance~~Corporate Performance Panel Politically proportional with Chairman Chairmen/Vice-Chairman- Chairmen appointed by the Panel

Regeneration and Development

Environment and Community appointed by Council

Community

Audit Committee

9 Members (Politically Proportionate)

~~Scrutiny and Overview Liaison Committee~~

~~Made up from the Chairmen of the Policy Review and Development Panels and the Chairman of the Cabinet Scrutiny Committee. Chaired on a rotating arrangement by the Chairmen of the Policy Review and development Panels.~~

~~To facilitate this arrangement a *nem con* vote is required to waive political proportionality. This committee shall appoint its own Chairman and Vice Chairman from within the constraints set out above.~~

Cabinet and Boards

Cabinet

up to 10 Members (Leader of the Council is appointed for a four year period at the first Annual Council meeting following the Borough Council elections) (*Local Government and Public Involvement in Health Act 2007*)The Cabinet is not required to be Proportional.

Appointments Board

9 Members (Politically Proportional)

Planning Committee

18 Members (Politically Proportional)

Licensing and Appeals Committee

~~15-12~~ Members (Politically Proportional)

Licensing Committee

~~15-12~~ Members (Politically Proportional)

Standards Committee

7 Members (Politically Proportional) (plus up to ~~3-2~~ non-voting Parish reps and an Independent Person)

- 29.2 No Member of the Council shall retain any appointment beyond the next Annual Meeting of the Council unless re-appointed to that Body at the next Annual Meeting (with the exception of the Leader of the Council as set out above).

Task Groups

- 29.3 The Council, Cabinet and any Policy Review and Development Panel ~~Scrutiny and Overview Committee or Panel~~ may establish temporary Task Groups to undertake, and report back on, work within the remit of the body that established them.
- 29.4 (a) Members of Task Groups will be appointed having regard to political balance unless the leaders of each registered political group agree that this rule be disappplied.
- (b) Group nominations for Task Groups membership will be made to the Chief Executive who is authorised to appoint them.
- 29.5 A Task Group shall remain constituted until the body which established it, or the Council, resolves that it has completed its task.
- 29.6 If a Task Group appointed by the Council or Cabinet or a Scrutiny and Overview Committee Policy Review and Development Panel is to do any of the following things, these may be specified in its terms of reference:-
- (a) meet in public,
- (b) hold public hearings,
- (c) have a Councillor membership other than five or not complying with proportionality,
- (d) have non-members of the Council as non-voting members,

- (e) commission research,
- (f) complete its work by a certain date, or
- (g) be able to define the scope of its own work.

29.7 When any scrutiny and overview body is considering the performance or proposals of a person, or of a body which included any of its members; such person or members shall not take part in that consideration in the capacity of members of the scrutiny body.

29.8 **Informal Working Groups (scrutiny and overview function)**

For the avoidance of doubt, Informal Working Groups are not formal Council Bodies or Task Groups. They are solely chosen, controlled by, and report directly back to their respective Policy Review and Development Panels. Political proportionality or issues of vacancies and substitutions should not be an issue.

Any work undertaken through Informal Working Groups should be regarded as approved duties, with respect to traveling expenses, only with the prior approval of the respective Panel's Chairman.

30 **Access to Information and Meetings**

30.1 Business shall be transacted by the Council and Council Bodies in public unless they resolve to consider in private any matter that is confidential or any information which is exempt within the meaning of Schedule 12A of Part I of the Local Government Act 1972. Officers holding statutory appointments as set out in Standing Order 35 are entitled to attend any meeting of the Cabinet.

30.2 Agenda, reports and other documents of Council bodies shall be held in confidence by Members and Officers of the Council until they are published by the authority of the Chief Executive. Notice shall be given at least five clear days in advance of any meeting by posting details of the meeting at King's Court, Chapel Street, King's Lynn and wherever possible on the Council's website www.west-norfolk.gov.uk. Late or additional reports which are available for public inspection shall be available to the press and public at the same time it becomes available to members.

30.3 No Member or Officer shall ever disclose documents or the contents of documents that are "exempt" or contain confidential information, as defined by paragraph 30.1 of this Standing Order, to any person who is not a Member or an Officer of the Council other than with the permission in writing of the Monitoring Officer

30.4 If any matter that is raised at a meeting of the Council or a Council Body or subsidiary body when meeting in public, involves the appointment, promotion, dismissal, salary, superannuation, conditions of service or conduct of any identifiable person currently or formerly employed by the Council; that matter shall not be further discussed until the meeting has determined whether the public should be excluded.

30.5 Subject to Standing Order 12.16 no key decision may be taken unless:-

(Local Authority (Executive Arrangements)(Meetings and Access to Information) England Regs 2012)

(a) notice of the proposed key decision has been published in the Forward Decision List

(b) At least 28 clear days have elapsed since the publication of the notice of key decisions

(c) Notice of the meeting or intended decision making has been given

(d) Five working days following the making of the decision have elapsed and no call-in has been received in accordance with standing order 12.3 above

30.56 **General Exception for the Key Decision Requirements**

If a matter which is likely to be a key decision has not been included in the Forward Plan, 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 until it has been included in the next Forward Plan and until the start of the first month to which the next forward plan relates;~~

(ba) the Chief Executive has informed the Chairman of ~~a relevant Scrutiny and Overview~~The Corporate Performance Panel Committee, in writing, by notice, of the matter upon which the decision is to be made;

~~(b) Notice is given of the details of the decision to be made and the reasons why it is impracticable to give 28 days notice.~~

(c) ~~the Chief Executive has made copies of that notice available to the public at the offices of the Council; and~~

~~(d) at least five clear days have elapsed since the Chief Officer complied with (a) and (b) between notice being given and the decision being taken.~~

30.67 Record of individual decision

As soon as reasonably practicable after an Executive decision has been taken by an individual member of the Executive or a key decision has been taken by an officer, he/she will prepare, or instruct the proper officer to prepare, a record of the decision, a statement of the reasons for it and any alternative options considered and rejected.

30.8 Special Urgency

~~If the general exception rule is impracticable, the decision can be taken if the decision maker has received the permission of the Chairman of the Corporate Performance Panel if he or she is unable to act, the Mayor or Deputy Mayor, and a notice published stating that a decision is urgent and the reasons why it cannot reasonably be deferred.~~

31 Special Meetings

31.1 A special meeting:-

(a) may be called by the Chairman of that meeting at any time; and

(b) shall be called on notice being given in writing to the Chief Executive by a quarter of the members of that meeting stating that they desire a meeting.

31.2 The Chief Executive shall summon each Member to a Special Meeting, under paragraph 31.1 of this Standing Order, with a notice which shall set out the business to be considered, and no business other than that mentioned in the notice shall be considered at that meeting.

32 Vacancies and substitutions on Council bodies and task groups

32.1 The Chief Executive shall appoint a Member, nominated by a political group to fill a casual vacancy that falls to be filled by that particular political group, provided the leader of that group has:-

(a) consulted with the Members of the group; and,

(b) communicated the name of the person nominated to the Chief Executive; and,

(c) the Member nominated under paragraph 32.1(b) is not precluded from being by any rule of law or of the Council.

32.2 Subject to the following conditions, when a Member is unable to attend any meeting, a substitute registered in the same political group may attend in their place.

(a) The substitutes will be temporary members, appointed by the Chief Executive on the authority of the Council, and the member substituted for will be suspended from the relevant membership for the period of substitution. Once commenced, the substitution shall continue throughout the meeting and throughout consideration of any item of its business which is adjourned.

(b) The Chief Executive must be notified in writing by the Member who will be absent or by the Leader of their political group. Unless the reason for the absence arises too late to permit this (in which case the maximum notice possible must be given), this notification shall be given at least 24 hours before the meeting.

32.3 Whenever appointments of Members are not made on the first occasion when they might be, the Chief Executive shall make such appointments on the basis of balloting members of the body entitled to make the appointment. If the vacancy falls within the proportion of places due to a particular political group, balloting shall initially be restricted to the members of that political group. Only if that fails to fill a vacancy, will a further ballot be conducted open to relevant Members of all political groups or none.

33 Duration of Council meetings

33.1 A Meeting including a Meeting of a Task Group which has sat continuously for three hours shall be adjourned automatically unless the majority of members present vote to continue to sit.

34 Rights of non-members to attend meetings of Council bodies

34.1 Every Member of the Council shall have the right to attend any meeting including Task Groups, and also the right to speak subject to the provisions as to declarations of interest, provided that they shall, inform the Chairman of the meeting of their intention to do so before the Meeting on what items they wish to be heard before the meeting commences, and in any event prior to any decision being made on the matter.

34.2 The minutes of the Meeting shall record the name of any Member of the Council who is present at the meeting under this Standing Order, any item on which they spoke, and shall include a summary of what they said.

35 Statutory appointments

35.1 The following posts shall be designated for the purposes of Article 12.02 of this Constitution, sections 113 to 115 of the Local Government Finance Act 1988 and sections 4, 5 and 6 of the Local Government and Housing Act 1989 and shall be held by separate individual officers.

- (a) The Head of the Paid Service
- (b) The Monitoring Officer.
- (c) The Chief Financial Officer

36 Recording or broadcasting meetings

36.1 The Openness Regulations require that any person attending a meeting open to the public (including Councillors) must, as far as is practicable, be afforded reasonable facilities for reporting (whether by filming, photographing or audio recording) and may use any communication method (including social network methods) to publish or otherwise share the results of their reporting activities.

36.2 "Reporting" means

- filming, photographing or making an audio recording of proceedings

- using any other means for enabling a person who is not present to see or hear proceedings at a meeting as it takes place or later

- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

36.3 The Council is not required to permit oral reporting or commentary at a meeting as it takes place if the person reporting or providing the commentary is present at the meeting.

36.4 The Council has published and adopted a Protocol relating to the adoption and operation of the Openness Regulations and this can be viewed at the end of this Constitution ([Appendix 2](#))

37 Approval of draft plans, strategies, estimates and amounts submitted to the Council by the Cabinet

37.1 Where the Cabinet submits a:-

- (a) plan or strategy prescribed by the Local Authorities (Standing Orders) (England) Regulations 2001 ("the regulations") to the Council for approval by the Council; or
- (b) any estimate or amount prescribed under Paragraph 6 of Part II of the regulations

and the Council wishes to amend, approve or adopt the plan or strategy, or object to any estimate or amount, it must inform the Leader of the Council of any objections to the plan or strategy or estimate or amount.

37.2 Where an objection is received under this standing order the Cabinet must consider the objection within such period as shall be specified by the Council (being not less than 5 working days beginning with the date that the Leader received the objection) and the Leader of the Council may either amend the plan or strategy or a revision of the estimates or amounts or inform the Council of the reasons why the Cabinet disagrees with the Council's objections.

37.3 The Council must take account of the amendments made by the Cabinet to a plan or strategy and any reasons why the Cabinet disagrees with the Council's objections when it amends, approves or adopts a plan or strategy or before it makes a calculation in accordance with sections 32 to 37 or 43 to 49 of the Local Government Finance Act 1992 or issues a precept under Chapter IV of Part 1 of that Act.

38 Decisions by ~~Portfolio Holders~~Cabinet Members

38.1 Wherever a decision is to be made by a ~~Portfolio Holder~~Cabinet Member, a report must be produced in writing setting out all of the required information before any decision can be taken.

38.2 A copy of the report with a note must be sent to the Democratic Services Manager, Management Team and The Monitoring Officer, 5 clear days before the date on which the decisions is to be taken. The report will then be placed on the intranet/internet or otherwise made available to members of the Council and unless confidential or exempt to members of the public.

38.3 The Cabinet Member can either attend the Council Offices and make the decision on the given day, or may return the completed form, signed off, to the Head of Service responsible via the e-mail system, a copy should also be sent to the Democratic Services Manager.

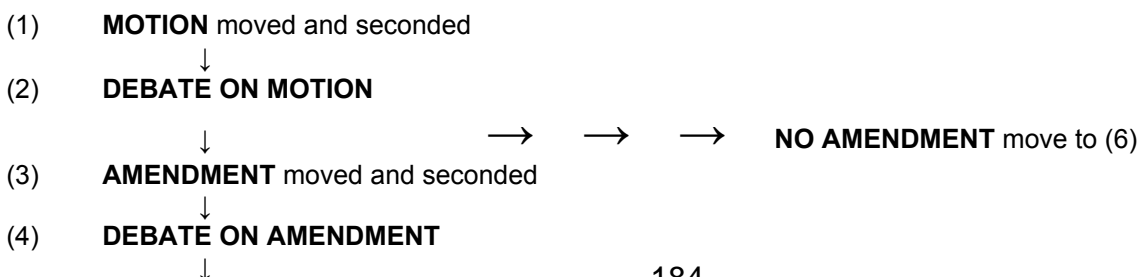
38.4 The decision may be wholly within the Cabinet Members decision making powers, or part of all may be a recommendation to Council. This must be made clear in the report. Recommendations to Council will then be placed on the next Council Agenda and moved by the Leader at Council.

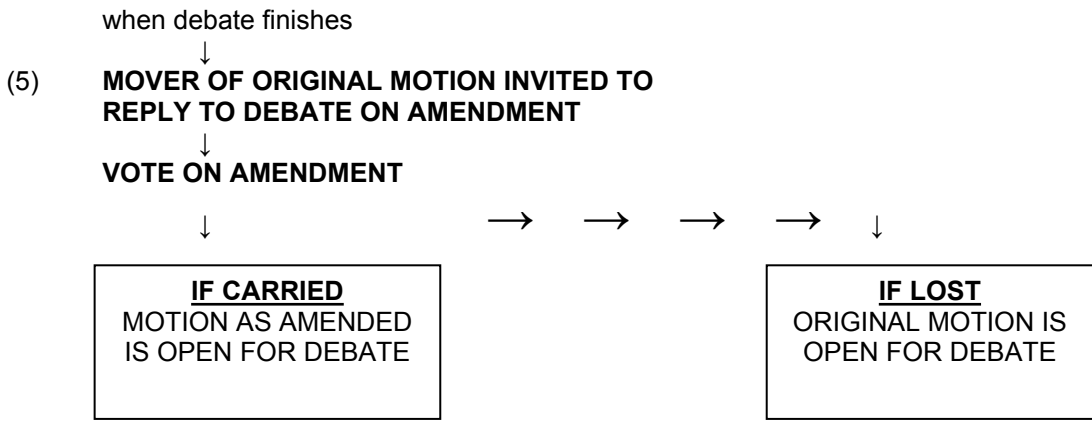
38.5 A Cabinet Member may decide to refer the matter to a full meeting of Cabinet for decision. In which case the matter will be placed on the agenda of the next ordinary meeting of Cabinet.

38.6 Once a Cabinet Member has made a decision it will be placed on the intranet and made available for call-in in accordance with Standing Order 12. Members will be notified that a decision has been taken.

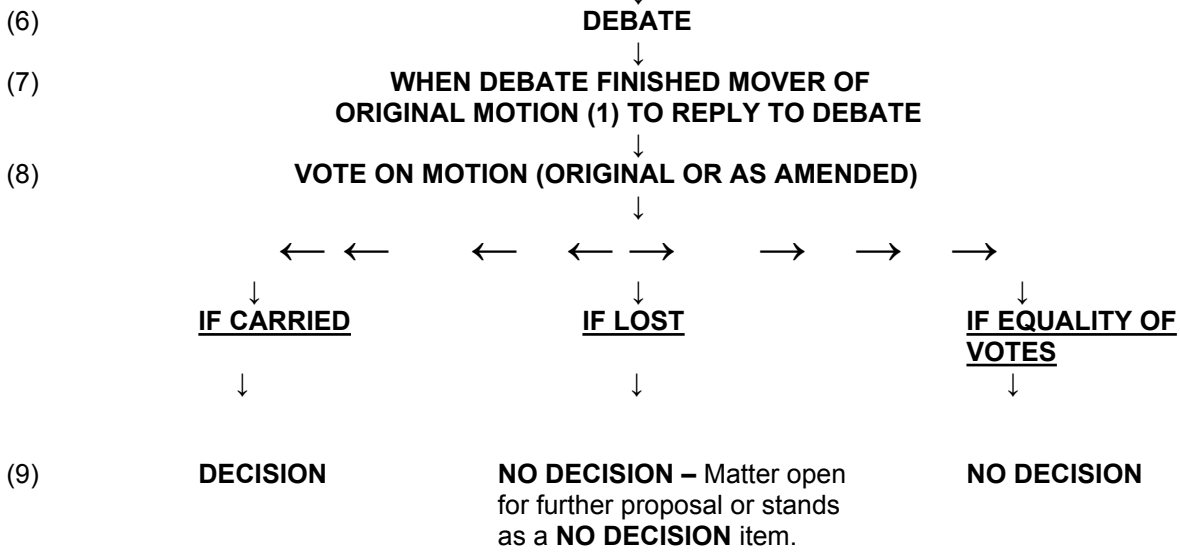
APPENDIX 1

DIAGRAM TO SHOW THE STAGES OF MOTION, AMENDMENT AND DECISION





(Any number of amendments can be moved and dispensed with in the way **ONE AT A TIME**)



An amendment will not be valid if it is a direct negative or if it introduces a new issue unrelated to the terms of the motion.

Appendix B

Protocol for Reporting and Commentating on public Council Meetings Agreed at 27 November 2014 Council

I. Introduction.

(a). By virtue of the Openness of Local Government Bodies Regulations 2014 (“the Openness Regulations”), members of the public are entitled to report on meetings of the Council, the Executive and all other Committees and meetings to which the public have access.

(b). Reporting is not permitted where the public have been excluded from a particular meeting, or part of a meeting as permitted by law (for example to protect confidential information) and other restrictions apply to protect those individuals who do not wish to be recorded.

(c). For the purposes of the Openness Regulations, “reporting” means:

- filming, photographing or making an audio recording of the proceedings of the meeting.

- using any other means for enabling persons not present at the meeting to see or hear proceedings at a meeting as it takes place

- reporting or providing commentary on proceedings at a meeting orally or in writing, so that a report or commentary is available as the meeting takes place or later if the person is not present (note however that in accordance with paragraph 2.(d)(iii) below there is to be no **oral** reporting or commentary on a meeting as it takes place by a person present at the meeting).

(d). Any person attending a meeting (including Councillors) must, so far as is practicable, be afforded reasonable facilities for reporting and may use any communication method (eg the Internet), including social media sites such as Facebook or Twitter , to publish, post or otherwise share the results of their reporting activities. Subject to this Protocol, publication and dissemination may take place in the meeting or afterwards.

2. The Protocol.

The following Protocol sets out how reporting and commentating will be managed by the Borough Council of Kings Lynn and West Norfolk (“the Council”).

(a). Although there is no requirement so to do, it would be very helpful to the Council if persons wishing to record proceedings (or any part thereof) would notify the Councils Democratic Services Team (telephone number) in advance of the meeting. That will assist the Council to make reasonable arrangements to accommodate the requirements of those wishing to record.

(b). At the start of the meeting, the Chairman will remind all present that recordings may be made in accordance with the Openness Regulations.

(c). The Chairman will make it clear that whilst the Council respects the right to record and communicate, the right must be exercised reasonably and having regard to the need for the orderly conduct of business at the meeting.

(d). To ensure that this objective is achieved, the following criteria will be adopted:

(i). Persons should remain seated whilst they are recording. Walking around the meeting room whilst recording will not be permitted.

(ii). If other members of the public present express a wish not to be filmed or photographed whilst they are speaking, this request should be respected.

(iii) **No oral reporting or commentary of the meeting be permitted on the meeting as it takes place by any person who is present at the meeting.** This restriction is imposed to avoid noise which could otherwise disrupt the meeting.

(iv) If in the opinion of the Chairman, any other behaviour or activity is taking place which in his/her opinion is preventing the orderly conduct of business at the meeting (for example, the use of flash photography), the Chairman will exercise his/her discretion to adjourn the meeting.

(v) To avoid the possibility of accidents, the Council will not permit the use of electric sockets for electronic equipment

(e). Persons recording are reminded that the right to record whole (or part) of a meeting, extends only to those meetings (or part thereof) that the public are entitled to attend. If the public is lawfully excluded from the meeting at any stage (for example because confidential information is being discussed), the right to record immediately comes to an end for the whole of the period that the meeting is in “private” session.

Document is Restricted

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
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