

**CONSTITUTION**  
**as at March 2026**

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**BOROUGH COUNCIL OF KING'S LYNN AND WEST NORFOLK  
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 55 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. The Leader may appoint Deputy Cabinet Members.

### **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 with the work of the 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) through the Policy Review and Development Panels 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.

### **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, 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 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 55 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 complaints referred to it by the Council's Monitoring Officer.

## **Key Decisions List**

- 22 Each Month the Council will publish a Plan called the Forward Decisions List which will list all the Key Decisions that are to be considered by the Cabinet over the next month. 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 - ARTICLES**

# **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 making 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 55 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 qualify for elections and holding of office as a member of a local authority, Part V (79) of the Local Government Act 1972 must be adhered to and applies for the period to which they were elected, unless a disqualification applies.

### **Election Time and Term of Office**

- 2.03 The regular election of councillors will ordinarily be held on the first Thursday in May every four years.

### **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.
- (a) 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.

(b) 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:

- (i) 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;
- (ii) attend meetings of the Cabinet when key decisions are being considered;
- (iii) find out what key decisions will be taken by the Cabinet and when;
- (iv) see reports which are presented to the Council and the Cabinet (and the background papers) and records of decisions made; and
- (v) inspect the Council's financial accounts and make their views known to the external auditor.

(c) 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.

(d) Complaints.

Citizens have the right to complain:

- (i) through the Council's Corporate Complaints process
- (ii) to the local government 'ombudsman', if not satisfied after using the Council's own complaints procedure; and
- (iii) to the Council's 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 up to 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 comprises of the following policies, plans and strategies:-

- Corporate Strategy
- Constitution
- Capital Strategy
- Capital Programme
- Treasury Management Strategy
- Medium Term Financial Strategy
- Risk Management Policy
- Local Plan, Neighbourhood Plans and other Development Plan Documents
- Asset Management Strategy
- Health and Safety Policies
- Fees and Charges Policy
- Licensing Policies
- Gambling Policy
- Pay Policy

(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 four types of Council meeting:

- (a) Annual Meeting (usually held in May)
- (b) Ordinary Meetings (6 each year)
- (c) Extraordinary Meetings (whenever called)
- (d) Budget Meeting (usually in February)

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 Policy Review and Development Panels

- (a) The 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 Panels may have any matter included for discussion on the agenda of a relevant Scrutiny and Overview Body.
- (d) Other non-executive members (i.e. those not sitting on a Policy Review and Development Panel) 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 Chair and Vice-Chair, in consultation with the relevant officers, save where the matter relates to crime and disorder under section 19 of the Police and Justice Act 2006 in which case it will be included onto the next Agenda. The decision, on whether to approve inclusion or not, then being reported under Chair'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.

### **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

6.06 In addition the Corporate Performance Panel shall:

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 Panel)

- (a) 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.
- (b) make reports and/or recommendations to the full Council and/or the Cabinet in connection with the discharge of any of their functions.
- (c) report annually to the full Council on the work that they have completed during the preceding 12 months.
- (d) be directly accountable to, and subject to the direction of, the full Council

6.07 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) 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.
- (j) to discharge crime and disorder scrutiny functions to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions under Section 19 of the Police and Justice Act 2006

and associated regulations, including reviewing Community Safety Partnership strategies, holding at least one dedicated meeting per year, and noting the role of the Norfolk Police and Crime Panel in overseeing the Police and Crime Commissioner for Norfolk, and to liaise as appropriate.

## **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 One Member of the Council shall be elected by the Full Council as its executive Leader and the Chair of Cabinet.

7.03 The Cabinet shall consist of not more than ten members including its Chair who is Leader of the Council.

7.04 The Leader appoints a Deputy Leader and up to eight other Cabinet Members.

7.05 The Mayor and Deputy Mayor of the Council cannot be appointed to the Cabinet. In addition, no Member of the Cabinet can be a Member of the Policy Review and Development Panels or the Audit Committee.

7.06 A Leader will be elected for a four year term at the Annual Meeting immediately following the ordinary election of Members.

7.07 Where there is a vacancy in the office of Leader, a new Leader can be elected by the Full Council at any Full Council Meeting.

7.08 After election the Leader shall hold office until:

- (a) They resign from the office (which shall be reported to the next Full Council Meeting);
- (b) They become disqualified from being a Member (which shall be reported to the next Full Council Meeting);
- (c) They are removed from office by resolution of the Full Council; or
- (d) Immediately preceding the Annual Meeting following the next ordinary election of Members.

7.09 If the Council removes a Leader from office by resolution, it must elect a new Leader at the same Full Council Meeting or a subsequent Full Council Meeting.

7.10 The Deputy Leader shall deputise for the Leader and carry out the functions delegated to the Leader in periods of their incapacity or absence.

7.11 The Deputy Leader shall hold office for a period of four years from the date of appointment by the Leader or until:

- (a) They resign from office;
- (b) They cease to be a Member;
- (c) They are removed from office by the Leader

7.12 Other Cabinet Members shall hold office until:

- (a) They resign from office;
- (b) They cease to be a Member;
- (c) They are removed from office by the Leader

### **Proceedings of the Cabinet**

7.13 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**

7.14 Part 3 of this Constitution includes 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, Council officers or a combination of any of these.

7.15 Other Cabinet Members shall be appointed by the Leader and shall hold office until removed from office by the Leader, 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.

7.16 The Leader may appoint Deputy Cabinet members, the role and responsibilities of which are set out below:

#### Purpose

To assist and work with the designated Cabinet Member with their responsibility for allocated portfolios.

#### Duties and Responsibilities

1. To assist the designated Cabinet Member in shaping and developing the strategic priorities of the Council as it relates to the allocated portfolio.
2. To assist the designated Cabinet Member in monitoring performance in specified areas relating to the allocated portfolio.
3. Where appropriate and where permissible under the Council's Constitution to represent the designated Cabinet Member at meetings or visits.
4. The role of Deputy Cabinet Member does not allow any use of Cabinet Members delegated powers or responsibilities.

## **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 nominations will be made to the Chief Executive by Political Group Leaders

9.04 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

The Council has a King's Lynn Area Committee which is made up of King's Lynn Councillors. It acts as an Area Committee 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;
- (d) conducting investigations including into complaints made about Borough and Parish Councillors and making reports or recommendations in respect of them if necessary to the Standards Committee;
- (e) ensuring that executive decisions, together with the reasons for those decisions and relevant background papers, are made publicly available as soon as possible;
- (f) advising whether decisions of the Cabinet are in accordance with the budget and policy framework; and
- (g) 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, budget and policy framework issues; and
- (e) providing financial information to members of the public and other Stakeholders.

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 £500,000+ 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 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 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 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**

16.05 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            |

### **Article 17 – Outside Bodies**

17.01 An Outside Body means any organisation, association, company, trust, partnership, joint committee, charity, or other legal entity, whether incorporated or unincorporated, to which the Council appoints or nominates one or more Members or officers to serve in the designated capacity.

17.02 This includes (but is not limited to):

- Statutory partnerships or joint authorities
- Charitable or voluntary sector organisations
- Wholly or jointly owned companies
- Trust boards, management committees, and advisory bodies
- Public sector organisations and cross-agency boards.

17.03 Appointees may serve in various capacities including as a member of the Outside Body, a director of a board, a trustee, an observer, monitoring role or advisory role, depending on the legal nature of the body.

17.04 The Council may appoint or nominate Members or officers to Outside Bodies where it is considered to further the Council's strategic objectives, in compliance with a statutory requirement or to foster collaboration.

17.05 Appointments shall be made by Cabinet to executive function Outside Bodies, by the relevant Policy Review & Development Pael for scrutiny based Outside Bodies and the remainder by Full Council. Appointments and nominations to executive and scrutiny based Outside Bodies shall be deemed to be delegated to those respective functions by Full Council.

17.06 Where the Council makes a nomination, formal appointments by the Outside Body must still be made with due regard to the nature and legal status of the Outside Body, where relevant.

17.07 The Council shall maintain and publish on its website a register of all current Outside Body appointments.

### **Article 18 – Wholly Owned Companies**

#### **Establishment**

18.01 The Council may establish companies which are wholly-owned by the Council (hereafter “Council Companies”). Council Companies are separate legal entities, governed by their own boards and subject to company law.

18.02 Any company established by the Council in which the Council exercises the majority control – whether limited by shares or limited by guarantee – shall be considered a Council Company.

18.03 The Council shall have a Shareholder Function in respect of each of the Council Companies.

18.04 Where a company is limited by guarantee, and the Council is the sole member or has effective control, the Council shall be treated as the ‘Shareholder’ for the purposes of this Constitution. This terminology is used for consistency and ease of reference and does not affect the underlying legal structure of the company.

### **Shareholder Function**

18.05 The Shareholder Function is an executive function.

18.06 The Shareholder Function will be exercised via a sub-committee of Cabinet known as the Shareholder Committee, with terms of reference approved by Cabinet, with officer delegation set out in the Scheme of Delegation.

**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 the Planning Committee and its Officers.

## Appendices

### **A - Appointments Board/Investigating and Disciplinary Committee**

#### **Composition**

- A.1 The Appointments Board/Investigating and Disciplinary Committee shall consist of up to nine members and no councillor shall be disqualified from appointment by membership of any other Council body.
- A.2 To comply with the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015) an Investigating and Disciplinary Committee must be politically balanced and must include at least one member of the executive.
- A.3 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.4 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.5 In designating the members to form Appointments Panels or sub-committees of the Investigating and Disciplinary Committee, and in advising on it, the Chairman and the Chief Executive (or where appropriate, the Monitoring Officer) 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.6 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.7 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.8 Within the procedures established by the Council, the Appointments Board shall appoint persons to the Councillors' Independent Allowances Panel and shall select the nominations to the non-councillor places on the Standards Committee (subject to the involvement of the Chair/Vice Chair) for recommendation to Full Council for appointment.
- A.9 Within the procedures established by the Council, the Investigating and Disciplinary Committee will have delegated responsibility for the appointment of an Independent Investigator to undertake an investigation into any matter it considers warrants investigation. Such investigator to be appointed from the list provided by the National Joint Secretaries, and co-ordinated by the relevant Chief Officer.
- A.10 The Investigating and Disciplinary Committee will have delegated responsibility for the suspension of "the relevant officer(s)". In the event of the need for urgency, this function will be delegated to the Chief Executive, should there be a need to suspend the Monitoring Officer or Section 151 Officer, or the Monitoring Officer should there be a need to suspend the Chief Executive. In all cases the decision will be made in consultation with the Chair of the IDC and the relevant Chief Officer.

- A.11 The Monitoring Officer is nominated to assess the allegation to determine whether it falls within the remit of the procedure, or whether it is clearly unfounded or trivial or can best be deal with under some other procedure (the initial filter exercise). Either of the Deputy Monitoring Officer or the Head of Personnel is delegated authority to carry out this role if it is not possible or appropriate for the Monitoring Officer to do so. The Monitoring Officer (or substitute officer above) shall report to the Chair of the IDC if they determine that an allegation does not fall within the remit of this procedure.
- A.12 For the purposes of the Initial Filter exercise above, the Monitoring Officer is delegated authority to carry out any preliminary inquiries that are needed. Either of the Deputy Monitoring Officer or the Head of Personnel is delegated authority to carry out this role if it is not possible or appropriate for the Monitoring Officer to do so.

## **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 Cabinet Member.
- B.4 The Cabinet is authorised to delegate any of those functions, or any part of them, to committees of Cabinet Members or individual Cabinet 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 Make recommendations to the Council on matters reserved to the Council set out in Part 1 of Part G below, where Cabinet elects to do so.
- 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 Adopt Corporate and Service Policies and make recommendations to Council on its Policy Framework.
- 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.
- B.20 Exercising the Council's Shareholder Function (see Part 2 – Article 17) in respect of the Council Companies, or companies in which the Council has an interest.

The Cabinet may also:-

- B.21 Vire funds in accordance with the Council's financial regulations.
- B.22 Refer any matter to the Council for its consideration.
- B.23 Commission research into any matter.
- B.24 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 to the constitution

## **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 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 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 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 To comply with the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015) the Appeals Panel convened to consider appeals by statutory officers must be politically balanced and must include at least one member of the Cabinet.
- D.3 Members of the Appeal Panel convened to consider an appeal by a statutory officer should consist of five members who are not members of the Appointment Board/Investigating and Disciplinary Committee.
- D.4 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.5 In designating the members to form Panels, and in advising on it, the Chairman and the relevant Chief Officer, 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.6 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.7 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.8 Hear and determine licensing applications and appeals.
- D.9 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.10 Hear and determine appeals against disciplinary sanctions short of dismissal relating to statutory officers.
- D.11 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 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 Chief Officer 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 Chief Officer 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 Determine appeals under section 5 of the Council's Policy on Managing Unreasonable Complainant Behaviour
- E.13 Consider reports from the Monitoring Officer and.
- E.14 To determine applications for dispensations under the Localism Act 2011 or pursuant to any other requirement on declaring interests and managing interests within the Member Code of Conduct.
- E.15 Consider nominations for the award of Freedom of the Borough, and make recommendations to Full Council for the award or refusal.
- E.16 Consider applications for the revocation of any award of Freedom of the Borough, and make recommendations to Full Council as regards to such revocation
- E.17 Act as Grievance Committee where required in grievance matters concerning the Chief Executive, in accordance with the JNC Model Code. For this purpose, five Standards Committee members shall be convened with political proportionality (or three members if this is not possible), none of whom shall be members of the IDC or the Appeal Committee.

For the purposes of fulfilling the Council's adopted grievance procedures in accordance with the JNC Model Code, Standards Committee nominates the Monitoring Officer to act as Receiving Officer. Where the Monitoring Officer cannot so act, qualifying members of the Standards Committee (i.e. non-members of the IDC and Appeals Committee) shall nominate a Monitoring Officer from a neighbouring authority to act as the Receiving Officer.

## **F - Audit Committee**

### **Terms of Reference for the Audit Committee of the Borough Council of King's Lynn & West Norfolk**

#### **Introduction**

The Audit Committee of the Borough Council of King's Lynn & West Norfolk was established in 2006 to support the authority's governance, risk management, and internal control framework, ensuring the effective and efficient use of resources. The committee is independent of both the executive and scrutiny functions and operates in accordance with the principles and recommendations of the CIPFA Audit Committees Position Statement 2022.

#### **Purpose**

The primary purpose of the Audit Committee is to provide independent assurance and high-level focus on the adequacy of governance, risk, and control arrangements. Its role in ensuring there is sufficient assurance over governance, risk, and control, gives greater confidence to all those charged with governance that those arrangements are effective across the Council and its Wholly Owned Companies.

The Committee has oversight of both internal and external audit, together with the financial and governance reports, helping to ensure there are adequate arrangements in place for both internal challenge and public accountability.

#### **Membership**

- ✓ The Audit Committee shall consist of 9 members and no councillor shall be appointed who is a member of the Cabinet, or a Deputy Cabinet Member.
- ✓ Members should be appointed to ensure independence and objectivity.
- ✓ The Chair of the Audit Committee shall be appointed by Full Council and the Audit Committee shall appoint its own Vice Chair.
- ✓ The Chair will be strong, and independently minded, displaying a depth of knowledge, skills, and interests. The key personal skills needed to be effective are:
  - Promoting apolitical discussion.
  - Managing meetings to cover all business and encouraging a candid approach from all participants.
  - Maintaining the focus of the committee on matters of greatest priority.
- ✓ At least one member should have recent and relevant financial experience.
- ✓ At least one member should be an independent co-opted member (in a non-voting capacity) where an appointment has been made by the Audit Committee. However, the Audit Committee may still operate and conduct meetings in the absence of an independent co-opted member.
- ✓ A self-assessment review of the Audit Committee's effectiveness shall be conducted on an annual basis, to help ensure the appropriate membership of the Committee and to inform on relevant training needs necessary to fulfil the role of the Audit Committee effectively.
- ✓ All members will show a willingness to operate in an apolitical manner.
- ✓ Members of the Committee shall:
  - Show unbiased attitudes treating auditors, the executive and management fairly.

- Have the ability to challenge the executive and senior managers when required, and.
- Show knowledge, expertise, and interest in the work of the committee.

## **Meetings**

- ✓ The committee shall meet at least four times a year.
- ✓ Additional meetings may be convened by the Chairperson as deemed necessary where workloads require it.
- ✓ A quorum for meetings shall be 5 members.
- ✓ Meetings shall be attended by the Head of Internal Audit, the Chief Financial Officer, or their relevant deputies, and representatives from External Audit as required.
- ✓ Other attendees may include the Monitoring Officer and the committee have the right to call on any other officers or agencies of the council (or Wholly Owned Companies) as required.
- ✓ There should be opportunity for the Audit Committee to meet privately and separately with the Head of Internal Audit and 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 Chairperson.
- ✓ Portfolio holders and other Cabinet members will be invited to attend meetings in a non-voting capacity.

## **Core Functions and Responsibilities**

### **1. Governance, Risk, and Control**

- ✓ Review the Council's governance arrangements against the good governance framework, including the ethical framework, and consider the Code of Corporate Governance.
- ✓ Review and approve the Annual Governance Statement (AGS), and specifically consider whether it properly reflects the risk environment and supporting assurances, including the Head of Internal Audit's annual opinion, and fairly concludes that governance arrangements are fit for purpose.
- ✓ Review the Council's Financial Regulations and Contract Standing Orders and recommend any proposals for changes to Cabinet/Full Council.
- ✓ Monitor the effective development and operation of risk management in the Council (notably through monitoring progress identified on risks included in the corporate risk register).
- ✓ Consider the effectiveness of the Council's risk management arrangements.
- ✓ Consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
- ✓ Report and/or recommend matters for the attention of Council through the Cabinet on issues that require further review or action.
- ✓ Request further review on matters that arise from internal and external audits, where concerns exist, and further information or assurance is required.
- ✓ 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.

### **2. Internal Audit**

- ✓ Approve the Internal Audit Charter.
- ✓ Consider the Head of Internal Audit's annual report covering conformance with the Internal Audit Standards, the annual opinion of the adequacy and effectiveness of governance, risk management and internal control at the Council and Internal Audit's performance.
- ✓ Review and approve the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
- ✓ Approve significant interim changes to the risk-based internal audit plan and resource requirements.
- ✓ Make appropriate enquiries of both management and the Head of Internal Audit to determine if there are any inappropriate scope or resource limitations.
- ✓ Consider any impairments to the independence or objectivity of the Head of Internal Audit arising from additional roles or responsibilities outside of internal auditing and to approve and periodically review safeguards to limit such impairments.
- ✓ Consider progress reports on the work of Internal Audit, including key findings, issues of concern and actions in hand as a result of internal audit work, and the implementation of agreed recommendations.
- ✓ Monitor the implementation of agreed recommendations and seek further assurance from Officers as necessary where these remain outstanding.
- ✓ Contribute to the Quality Assurance and Improvement Plan (QAIP) and in particular to the external quality assessment of internal audit that takes place at least once every five years.
- ✓ Ensure internal audit has unrestricted access to all activities, records, property, and personnel necessary for the performance of its duties, including the Audit Chairperson.

### 3. External Audit

- ✓ Consider whether to opt in or out of the national scheme run by the Public Sector Audit Appointments Limited (PSAA) and if opt out, oversee the external audit process, including the appointment, reappointment, and removal of external auditors.
- ✓ Support the independence of External Audit through consideration of the External Auditor's annual assessment of its independence and review of any issues raised by PSAA or the Council's auditor panel as appropriate.
- ✓ Consider the External Auditor's annual audit plan, and annual report for the Financial Statements, and report on value for money arrangements at the Council.
- ✓ Comment on the scope and depth of external audit work as necessary and to ensure it gives value for money.
- ✓ Consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
- ✓ Consider additional commissions of work from External Audit as necessary.
- ✓ Monitor the implementation of External Audit recommendations.
- ✓ Ensure effective coordination and relationship between internal and external audit.
- ✓ Provide free and unfettered access to the Audit Committee Chairperson for the auditors, including the opportunity for a private meeting with the Committee.

### 4. Wholly owned Companies and Significant Partnerships/Collaborations

- ✓ Review the governance and assurance arrangements for significant partnerships or collaborations in which the authority is a direct participant or holds a controlling

interest. This excludes any organisations that fall outside of the Council's jurisdiction, ownership, or formal collaboration agreements.

- ✓ Receive assurance that there is a sound system of control, and risk management in place by means of an annual report from the Shareholder Committee for the wholly owned companies.

#### 5. Arrangements for audit and assurances

- ✓ Receive reports by any other inspectorates where relevant which refer to the adequacy of the risk management framework, the internal control environment, and the integrity of financial reporting.
- ✓ Consider the Council's framework of assurance and ensure that it adequately addresses the risks and priorities of the Council.
- ✓ Recommend to Cabinet for the Instigation and/or investigation or review on matters that arise from internal and external audits, where further information is required.
- ✓ Make recommendations to the Policy Review and Development Panels for the review of matters where the Audit Committee have outstanding issues or concerns over assurance.
- ✓ May question Chief Officers and Cabinet Members around progress and performance against audit recommendations.

#### 6. Financial Reporting

- ✓ Review and approve the annual financial statements (including statutory statements and legislative disclosures), and specifically, consider whether appropriate accounting policies have been followed and whether there are concerns arising from the Financial Statements or from the audit that need to be brought to the attention of the Council.
- ✓ Consider the External Auditor's annual report, and report to those charged with governance any issues arising from the audit of the accounts as necessary.
- ✓ Consider the External Auditor's report of Value for Money Arrangements for the Council.
- ✓ Monitor the arrangements and preparations for financial reporting to ensure that statutory requirements and professional standards can be met.

#### 7. Counter Fraud and Corruption

- ✓ Review and monitor the Council's policies and procedures for preventing and detecting fraud and corruption.
- ✓ Review the assessment of fraud risks and potential harm to the Council from fraud and corruption.
- ✓ Review the Whistleblowing Policy and ensure that effective arrangements are in place for whistleblowing.

### **Exclusions within the Wider Functions of the Executive**

The Audit Committee shall not assume any executive responsibilities and shall not:

- × Make or implement decisions on behalf of the Council (except in respect of the approval of the Annual Financial Statement of Accounts and the Annual Governance Statement)
- × Directly manage or approve budgets other than those related to the internal audit function.
- × Oversee operational activities or performance of specific service delivery areas, which remain the responsibility of the Cabinet, boards, or panels.

- × Involve itself in any operational issues or complaints handling.
- × Determine the authority's strategic objectives or policy framework, which is the remit of the Cabinet.

### **Reporting**

- ✓ The Audit Committee shall report regularly to the Cabinet/Full Council., providing an annual report on the adequacy of the authority's governance, risk management, and internal control frameworks, financial reporting, and internal and external audit functions.
- ✓ Report to full Cabinet/Full Council annually on the Committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.
- ✓ Publish an annual report on the work of the committee, including a conclusion on the compliance with the CIPFA Position Statement 2022.

### **Review of Terms of Reference**

These Terms of Reference shall be reviewed every 3 years by the Audit Committee and approved by Full Council to ensure they remain relevant and effective.

Approved by Full Council on 30 January 2025.

## **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**

- G.1 Adopting, changing and revoking any of the Parts of this Constitution except where those Parts permit or require otherwise.
- G.2 Determining which Executive arrangements the Council will operate.
- G.3 Adopting the Council's policy framework as defined in Article 4.
- G.4 Adopting and approving the budget as defined in Article 4.
- G.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.
- G.6 Deciding and amending the matters which are referred to all Council Bodies and the terms governing their reference.
- G.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.
- G.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.
- G.9 Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of any Private Bills in Parliament.
- G.10 Any other matters which, by law, must be decided by the Council.

### **Part 2**

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

## H - Policy Review and Development Panels

### i) Corporate 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 or a Deputy Cabinet Member.
- H.2 The Council shall appoint its Chairman, and the Panel shall appoint its own 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):

6.06 In addition to the general the Corporate Performance Panel shall:

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 Panel)

- (a) 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.
- (b) make reports and/or recommendations to the full Council and/or the Cabinet in connection with the discharge of any of their functions.
- (c) report annually to the full Council on the work that they have completed during the preceding 12 months.
- (d) 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 Article 6.07 of Part 2 of the Constitution (reproduced below).

6.07 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.
- (j) to discharge crime and disorder scrutiny functions to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions under Section 19 of the Police and Justice Act 2006 and associated regulations, including reviewing Community Safety Partnership strategies, holding at least one dedicated meeting per year, and noting the role of the Norfolk Police and Crime Panel in overseeing the Police and Crime Commissioner for Norfolk, and to liaise as appropriate.
- ii) **Regeneration & Development Policy Review and Development Panel**
- iii) **Community & Environment Policy Review and Development Panel**

### **Composition**

- H.3 The Panels shall each consist of up to twelve members and no councillor shall be appointed who is a member of the Cabinet or a Deputy Cabinet Member.
- H.4 The Council shall appoint its Chairmen, and the Panels shall appoint their own Vice-Chairmen.

### **Terms of Reference**

- H.5 The Panels' primary function and terms of reference, in reviewing the developing Council policy, are those set out in Article 6.07 of Part 2 of the Constitution (reproduced below).

6.07 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.

## **I – Electoral Arrangements Committee**

### **Composition**

- I.1 The Electoral Arrangements Committee shall consist of up to 10 members and shall be politically proportional. No Councillor shall be disqualified from appointment by membership of any other Council Body.
- I.2 The Committee is a non-executive Committee whose functions are delegated to it by Full Council.
- I.3 For the making of general arrangements for its operation, the whole Committee shall be convened.
- I.4 Panels of the Committee may be used for undertaking the Committee's functions relating to Community Governance Reviews. The Chair in consultation with the Monitoring Officer shall designate at least three Committee Members to form such Panels. In designating the Members to form a Panel, regard shall be had to political proportionality and the nature of the issues under consideration in the review.

### **Functions referred to the Committee**

The Committee shall have the following functions:

- I.5 To oversee reviews conducted by the Local Government Boundary Commission for England.
- I.6 To oversee the designation and periodic review of polling districts, polling places and polling stations for Parliamentary, District and Parish Elections.
- I.7 To oversee Community Governance Reviews ("CGR"), including:
  - a. Formulating recommendations to Full Council on commencing a discretionary CGR that has been requested;
  - b. Making recommendations to Full Council on the Terms of Reference for each valid CGR;
  - c. Reviewing responses received following consultation exercises;
  - d. Formulating recommendations to Full Council on governance changes; and
  - e. Reviewing Reorganisation Orders and related electoral/boundary changes and making recommendations to Full Council
- I.8 To make any other reports and/or recommendations to Full Council in connection with the discharge of any of the Committee's functions.

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



# **SCHEME OF DELEGATION**

December 2025

# 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
CFO	=	Chief Financial Officer
CO	=	Relevant Chief Officer
KLAC	=	Kings Lynn Area Committee
LAC	=	Licensing and Appeals Committee/Board

### PORTFOLIO HOLDER DELEGATIONS

The following Scheme sets out the areas delegated to Portfolio Holders to make decisions and complies with the Council's Financial Regulations. 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 £500,000 or more and significant under b) above is one third of the resident population in a ward.

Decisions involving transfers between budget are limited to £250,000 for individual Portfolio Holders, and additional resources from reserves are permissible for any Portfolio Holder up to a maximum of £50,000 per portfolio in any financial year.

Where a reserve exists for a specific purpose (eg renewal or repair reserve), the 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 £100,000 per annum. Any necessary withdrawal that exceeds this amount additionally requires the approval of the relevant Portfolio Holder.

The Portfolio Holder for Finance must be consulted in transactions which will result in expenditure over £250,000.

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 Chief Officer to ensure that every executive decision is made with the full knowledge of a Democratic Services Officer who shall ensure each decision is properly recorded and published.

It is also the responsibility of the Portfolio Holder, in consultation with the relevant Chief Officer in making decisions to abide by the Council's Financial Regulations, the law 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

A Chief Officer 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 Chief Officer 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.

A delegation of a role when a number of officers hold the job description will mean that for the purposes of the scheme, the power is delegated to all of those officers, or where the job role has changed since the delegation was made, the delegation shall be to the officer whose role most closely mirrors the original role.

In the absence of the Chief Executive any powers failing to be exercised by her may be exercised by any Chief Officer.

Any delegation of power delegated to any Chief Officer can be exercised by the Chief Executive.

Portfolio Holder	Functions	Consultations	Officer Delegation	Limits on Delegation
1. THE LEADER	1.1 Implementation of corporate Policy	CE/CFO/MO Requires rec to Council for any change.	<b>Chief Executive / Monitoring Officer/Chief Officers / CFO</b> Implement corporate policy and ensure Executive decisions are taken in accordance with the law, financial regulations and policy.	
	1.2 Cross Cutting/Cross Remit issues/overarching responsibility for Cabinet portfolios/issues not covered by other portfolios	CE & CO & Portfolio Holders	<b>Chief Executive and Chief Officers</b> Day to day management of the process	
	13 Democratic Processes	MO	<b>Chief Executive and Chief Officers</b> Day to day management of the Council's democratic processes. Timetable of Meetings.	
	1.4 Legal	CE and MO	<b>Chief Executive / Monitoring Officer</b> 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/property 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. Day to day management and delivery of legal services.	

	1.5 Communication strategy and implementation	CO	<b>Chief Executive and Chief Officers</b> Day to day management of communications on behalf of the Council, in accordance with Council Policy.	
	1.6 Civics	CE, Civics Officer  Mayor or Deputy Mayor	<b>Chief Executive</b> To determine applications to use the Council's coat of arms. <b>Chief Executive and Chief Officers</b> Day to management of the office of the Mayor and Deputy Mayor and civic ceremony.	
	1.7 Public and Civil Emergencies, emergency planning and emergency management	Civil Emergency Liaison and CE Leader, Deputy Leader, MO	<b>Chief Executive and Chief Officers</b> To exercise any power to protect the interests and well-being of the inhabitants of the Borough in cases of emergency. <b>Chief Executive and Chief Officers</b> Day to day management of the Civil Emergency Plan	C – Cabinet as soon as reasonably practical
	1.8 Business Continuity	CO	<b>Chief Executive and Chief Officers</b> Day to day management of the process	
	1.9 Performance Management including KPIs and Risk Management	CO, MO,CFO	<b>Chief Executive and Chief Officers</b> Implementation of performance management reviews, production of performance management information and undertaking risk management Day to day management of the Corporate Risk Register and Service Level Risks	
	1.10 GDPR, Freedom of Information and Data Protection	MO	<b>Monitoring Officer</b> Respond to requests for information under the GDPR, Freedom of Information and Environmental Information legislation, requests under Data Protection legislation. Maintain Publication Scheme. Maintain Council's Data Protection registration. Authorise the use, loan or reproduction of the Councils archive material.	

			Day to day oversight and management of policies and procedures relating to information governance.	
	1.11 Developing and managing external strategic relationships		<b>Chief Executive and Chief Officers</b> Day to day management of the process	
	1.12 Shared services, Partnerships and Joint Working arrangements		<b>Chief Executive and Chief Officers</b> Day to day management of the process	
	1.13 Major funding, investment and housing delivery		<b>Chief Executive and Chief Officers</b> Oversight, day to day management and implementation major funding and Major Project schemes	
	1.14 Policy development and submission to Council	CE/CFO/MO	<b>Chief Executive / Monitoring Officer/Chief Officers / CFO</b> Provision of professional advice on policy review and development	
	1.15 Corporate Governance		<b>Chief Executive / Monitoring Officer/Chief Officers / CFO</b> Delivery of corporate governance across the Council	
	1.16 Customer Complaints		<b>Chief Executive / Monitoring Officer/Chief Officers</b> Day to day management and engagement with the Local Government and Social Care Ombudsman	
	1.17 Transformation	Leader, CE	<b>Chief Executive / CFO/Chief Officers</b> Day to day development and management of the transformation programme	
	1.18 Arrangements with West Norfolk Property Ltd and West Norfolk Housing Company		<b>Chief Executive/Chief Officers</b> Day to day management of contractual arrangements and relationships with the Council	

	1.19 Shareholder function in relation to the Council wholly owned companies (delegated to the Shareholder Committee)		<b>Chief Executive / Monitoring Officer/CFO</b> Undertaking role of Shareholder Representative, where so appointed by the Shareholder Committee	
	1.20 Arrangements with King's Lynn Town Board (including any future iteration)		<b>Chief Executive / CFO/Chief Officers</b> Day to day management of the governance arrangements with the King's Lynn Town Deal Board, acting as a King's Lynn Town Deal Board Member where so appointed and managing the role as Accountable Body for the Towns Fund	
	1.21 Overall responsibility for organisational culture and vision including the Corporate Strategy (as approved by Full Council) and Annual Plans		<b>Chief Executive /Chief Officers</b> Day to day development and management of the culture and strategic direction of the Council	
	1.22 Corporate Health and Safety		<b>Chief Executive</b> Day to day responsibility for the Council's corporate Health and Safety function.	
	1.23 Regeneration strategy, policy and implementation	CO	<b>Chief Executive and Chief Officers</b> Day to day management of Regeneration Projects. Submission of bids for and Management of Regeneration projects. <b>Chief Executive and Chief Officers</b> Authorisation to retain professional expertise as required.	
	1.24 Replacement/ substitution of members on Executive Outside Bodies where they are Executive Appointments and removal/addition of Executive Outside Bodies	CE and MO	<b>Chief Executive and Monitoring Officer</b> Day to day Management	Subject to nomination from the Leader

	that the Cabinet appoints to as required.			
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Portfolio Holder	Functions	Portfolio Holder Consultations	Officer Delegation	Limits on Delegation
<b>2 Business &amp; Deputy Leader</b>	2.1 Commercial Investment, development and promotion	CO	<b>Chief Executive and Chief Officers</b> Day to day management and implementation of strategies and schemes for commercial investment, development and promotion within the Borough.	C PH
	2.2 Promotion and Marketing of the Borough	CO	<b>Chief Executive and Chief Officers</b> Day to day promotion and marketing of the Borough.	
	2.3 Tourism	CO	<b>Chief Officers</b> Day to day management of tourism premises owned or operated by the Council. <b>Chief Executive and Chief Officers</b> Day to day management of the tourism issues including strategy and management. Arranging or overseeing exhibitions, conferences and tourism as appropriate.	
	2.4 Determination of Applications for Circuses on Council property.		<b>Chief Officers</b> Determination of applications to hold circuses on council land.	
	2.5 Sports facilities, venues	CO	<b>Chief Officers</b> Management and Maintenance of the fabric of all leisure and sports buildings. Responsibility for sports facility provision issues	

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	2.6 Arts/Theatre/ Entertainment facilities, venues	CO	<b>Monitoring Officer/ Chief Officers</b> Management and Maintenance of the fabric of all arts and entertainment. Day to day management and delivery of the client function with Alive West Norfolk	
	2.7 Leisure and Alive West Norfolk	CO	<b>Monitoring Officer/Chief Officers</b> (subject to any conflicts in relation to Officer Directors) Day to day management and delivery of the leisure client function with Alive West Norfolk. Day to day management and delivery of any other leisure provision sitting outside of the arrangement with Alive West Norfolk	CO
	2.8 Business Partnerships		<b>Chief Executive and Chief Officers</b> Day to day management	
	2.9 King's Lynn BID		<b>Chief Executive and Chief Officers</b> Day to day management	
	2.10 Economic Development	CO	<b>Chief Executive and Chief Officers</b> Day to day management	
	2.11 Management and maintenance of the Industrial Estates	PH and PH for Finance where transaction over £250,000	<b>Chief Officers</b> Day to day management and maintenance of Council Industrial Estates interests together with the ability to authorise all related transactions at market rent/value. Subject to: <ul style="list-style-type: none"> <li>• Acquisition or disposal of freehold land up to £499,999.</li> <li>• Acquisition or disposal of leasehold land up to an annual rental value of £499,999.*</li> <li>• Discharge or relaxation of freehold or leasehold covenants.</li> <li>• Determine all applications for the assignment of lease agreements**.</li> </ul>	

			<ul style="list-style-type: none"> <li>To approve or refuse applications to the Council as Landlord for any approval or consent.</li> <li>Authorise non-Housing Act tenancies and licences.</li> <li>Authorise the applications to release or relax restrictive covenants attached to houses formally owned by the Council</li> </ul>	
	2.12 Management and maintenance of council owned property assets (not Industrial Estates) (including but not limited to King's Court, Town Hall, the Depot, community centres.	PH and PH for Finance where transaction over £250,000 PH where property is in another portfolio holder's functional area	<p><b>Chief Officers</b> 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"> <li>Acquisition or disposal of freehold land up to £499,999.</li> <li>Acquisition or disposal of leasehold land up to an annual rental value of £499,999*</li> <li>Discharge or relaxation of freehold or leasehold covenants.</li> <li>Determine all applications for the assignment of lease agreements**.</li> <li>To approve or refuse applications to the Council as Landlord for any approval or consent</li> <li>Authorise non-Housing Act tenancies and licences</li> <li>Authorise the applications to release or relax restrictive covenants attached to houses formally owned by the Council</li> </ul>	<p>C, CO, PH * Financial limit not applicable to industrial estates where an unlimited rental is allowed. ** except where residential element.</p> <p>C CO C CO, PH, WM C CO, PH</p>
	2.13 Management of Ancient Corporate Estates		<p><b>Chief Officers</b> Day to day management of the ancient corporate estates</p>	

	2.14 Responsibility for policy development relating to property acquisition and disposal and submission to Council	CE/CFO/MO	<b>Chief Executive and Chief Officers</b> Provision of professional advice on policy review and development and implementation of adopted policies	
	2.15 Policies relating to Employment, Personnel, Pay, Pensions, Training and Equalities (as an employer)	CO	<b>Chief Executive and Chief Officers</b> Implementation of service re-organisations and re-structuring within budget. Approval for the funding of training courses for both full and part time study for all employees. Updating the Performance Management Scheme.  Chief Executive Changes to posts for senior staff (Chief Officers).	C CO C CO on Settlement arrangements
	2.16 Car Parking operations		<b>Chief Officers</b> Day to day management including decisions on making and amending Car Park Orders and entering and managing external contracts with other local authorities for the provision of their on-street and off-street parking enforcement and ancillary support	
	2.17 CCTV		<b>Chief Officers</b> Day to day management including entering and managing external contracts with other local authorities for the provision of CCTV services	
	2.18 Crematorium and Cemeteries		<b>Chief Officers</b> Day to day operational management	

Portfolio Holder	Functions	Portfolio Holder Consultations	Officer Delegation	Limits on Delegation
<b>3 Planning and Licensing</b>	3.1 Development of Local plan, planning performance and Land Use Policies		<b>Chief Officers</b> Minor consequential amendments to planning policy in accordance with national and regional policy changes. Issuing of Local Plan guidance and information. Implementation of major strategic allocations Day to day management of performance of the Planning service.	C – CO
	3.2 Planning Enforcement performance		<b>Chief Officers</b> Day to day management of the performance of the Planning Enforcement operation	
	3.3 Building Control		<b>CNC – Chief Officers</b> 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. Building Control enforcement and exercise the right of entry to land and premises	
	3.4 Street naming and numbering	WM	<b>Chief Officers</b> Management of Street numbering and naming	
	3.5 Commons		<b>Chief Executive and Chief Officers</b> Management and operation	
	3.6 Compulsory Purchase Orders and Enforced Sales Procedures		<b>Chief Officers</b> Implementation of Compulsory Purchase Orders, having first been approved by Council, and Enforced Sale Procedures	

	3.7 Land Charges		<b>Chief Officers</b> Maintain the Register of Local Land Charges and Land Terrier.	
	3.8 Derelict Land and Buildings		<b>Chief Officers</b> Day to day management.	
	3.9 Community Infrastructure Levy (CIL)		<b>Chief Officers</b> Day to day management and delivery	
	3.10 Planning and Delivery of Custom and Self Build Strategy		<b>Chief Officers</b> Day to day management.	
	3.11 Licensing policies and performance		<b>Chief Executive and Chief Officers</b> Day to day implementation of the Licensing Policies, undertake consultations, engage with relevant stakeholders and decisions on hackney carriage fares and designated ranks. Performance of the Licensing Function.	
	3.12 Health & Safety policies and performance (not corporate)		<b>Chief Officers</b> Day to day management of policies and performance	

Portfolio Holder	Functions	Portfolio Holder Consultations	Officer Delegation	Limits on Delegation
<b>4 Finance</b>	<p>4.1 All policies and Strategies relating to the council's finances having first been recommended by Cabinet and approved Council including (but not limited to):</p> <p>Budget Treasury Management Financial Management of assets Statement of Accounts Capital Strategy Fees and charges</p>	CE/CFO/MO Requires rec to Council for any change	<p><b>Chief Executive / Chief Officers CFO / Monitoring Officer</b> Ensure Executive decisions are taken in accordance with the law and financial and policy guidelines.</p> <p><b>Chief Executive and Chief Officers / CFO</b> Day to day management. 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. Day to day management of fees and charges.</p>	
	4.2 Procurement and Financial Regulations and Contract Standing Orders	CO	<p><b>Chief Executive and Chief Officer / CFO/MO</b> Day to day management and enforcement of the Council's Procurement Strategy and Financial Regulations and Contract Standing Orders</p>	
	4.3 External Audit, Internal Audit, Anti-fraud and Insurances	MO as necessary	<p><b>Chief Executive and Chief Officers / CFO</b> Responsibilities under S.151 and S114 (Chief Financial Officer). Enforcement of Financial Regulations Day to day management of the Internal Audit function and process.</p>	

			Support the external Audit function and process Manage insurance for the Council, its property, wholly owned companies and employees. Day to day management of the Council's anti-fraud and corruption policies, including money laundering and anti- bribery	
	4.4 Efficiencies, savings, income generation, external funding and Business Rate Growth		<b>Chief Executive and Chief Officers &amp; CFO</b> Day to day management	
	4.5 Financial implications for the Council		<b>Chief Executive and Chief Officers &amp; CFO</b> Day to day management	
	4.6 Delivery Models		<b>Chief Executive and Chief Officers &amp; CFO</b> Development of future delivery models	
	4.7 Housing benefit, revenue, welfare benefits and advice		<b>Chief Executive and Chief Officers &amp; CFO</b> Administration of housing benefit and Council Tax benefit and discretionary housing payments. 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.	
	4.8 West Norfolk Wins Lottery		<b>Chief Executive and Chief Officers &amp; CFO</b> Day to day administration of Lottery	
	4.9 ICT and the website	CO	<b>Chief Officers</b> Day to day management of the service	
	4.10 Support and grants (where not covered by another portfolio)		<b>Chief Executive and Chief Officers &amp; CFO</b> Day to day administration	

Portfolio Holder	Functions	Portfolio Holder Consultations	Officer Delegation	Limits on Delegation
<b>5 Climate Change and Biodiversity</b>	5.1 Climate Change Policies	CO	<b>Chief Executive and Chief Officers</b> Day to day management and implementation of policies <b>Chief Executive and Chief Officers</b> Development of policy	
	5.2 Energy strategy	CO	<b>Chief Executive and Chief Officers</b> Monitoring of energy efficiency measures to Council buildings. Day to day management and implementation of policies and strategies	
	5.3 Biodiversity, Local character		<b>Chief Officers</b> Day to day management	
	5.4 Policies relating to air quality		<b>Chief Officers</b> Day to day management, implementation and development of policy	
	5.5 Active Travel		<b>Chief Executive and Chief Officers</b> Day to day management, implementation and development of policy.	
	5.6 Transport policies and joint implementation		<b>Chief Executive and Chief Officers</b> Responding to consultations on traffic regulation orders. Day to day management and delivery of joint transport policies and strategies	
	5.7 Street Lighting		<b>Chief Officers</b> Day to day management	

Portfolio Holder	Functions	Portfolio Holder Consultations	Officer Delegation	Limits on Delegation
<b>6 Environment and Coastal</b>	6.1 Policies and strategies relating to: Environmental Strategy, contaminated land	CO	<b>Chief Executive and Chief Officers</b> Day to day management and implementation	
	6.2 Coastal Issues, Shoreline Management and flood water and water management including water quality/usage		<b>Chief Executive and Chief Officers</b> Day to day management and implementation	
	6.3 All aspects of Recycling and refuse collection including waste minimisation and composting, Fly tipping and Waste Management Enforcement		<b>Chief Executive and Chief Officers (subject to any conflicts in relation to Officer Directors)</b> Day to day management including undertaking the Shareholder function in relation to any joint venture companies carrying out waste services.	
	6.4 Food Safety		<b>Chief Officers</b> Day to day management of the food related services	
	6.5 To carry out the Council's functions as a Port Health Authority		<b>Chief Officers</b> To carry out the day to day functions of the Port Health Authority	
	6.6 Infectious Diseases		<b>Chief Officers</b> Day to day management	
	6.7 Pollution control		<b>Chief Officers</b> Day to day management	
	6.8 Open and Green Spaces policies and strategies	CO	<b>Chief Executive and Chief Officers</b> Day to day operation of the policies and implementation.	

	6.9 Parks, Gardens and amenity areas including play areas and allotments	WM, CO	<b>Chief Officers</b> Day to day management of such facilities including exclusion of persons as necessary	
	6.10 Public Conveniences	WM	<b>Chief Officers</b> Management and maintenance of the Council's public conveniences.	
	6.11 Street Scene and public cleansing		<b>Chief Officers</b> Day to day management	
	6.12 Depot Operational Arrangements		<b>Chief Officers</b> Day to day management	

Portfolio Holder	Functions	Portfolio Holder Consultations	Officer Delegation	Limits on Delegation
<b>7 People and Communities</b>	7.1 Housing Strategies and Associated Policies		<b>Chief Officers</b> Day to day delivery of housing and homeless strategies and policies including administration of the Council's Housing policies.	
	7.2 Housing Register		<b>Chief Officers</b> Management of Housing Register in accordance with policy and nominations of households to Registered Providers	
	7.3 Homelessness		<b>Chief Officers</b> Exercise of homelessness functions	
	7.4 Housing Standards in the Private Sector		<b>Chief Officers</b> Day to day delivery of housing standards role including housing enforcement and compliance functions.	
	7.5 Houses in Multiple Occupation (HMO)		<b>Chief Officers</b> Grant, renew and revoke all licenses and issues under the relevant housing legislation.	
	7.6 Loans and grants for housing	CFO	<b>Chief Officers</b> Approval/refusal/withdrawal and authorisation of renovation grant scheme payments.	
	7.7 Home Improvement Agency, Care and Repair and associated operations and Careline		<b>Chief Officers</b> Day to day management of the Home Improvement Agency, Care and Repair and associated operations and Careline.	
	7.8 Residential Caravan Site Licensing		<b>Chief Officers</b> To grant, transfer or revoke licenses and exercise of duties in relation to residential caravans.	
	7.9 Social Inclusion		<b>Chief Executive and Chief Officers</b> Day to day management.	
	7.10 Gypsy, Roma and Travellers	WM	<b>Chief Officers</b> Exercise of function. Dealing with unauthorised encampments.	

	7.11 Public Health and Well-being including prevention, improvement, promotion, Healthier Lives Strategy and community care and Lily		<b>Chief Executive and Chief Officers</b> Day to day management.	
	7.12 Local Health Partnerships		<b>Chief Executive and Chief Officers</b>	
	7.13 Community Safety/Neighbourhood nuisance service including help hub, control of noise, odour, light, dust, smoke and other pollutants, Public Health. Land drainage and sewerage issues. Planning and Licensing consultations regarding the above. enforcement. Building Act 1984 and Housing Acts as relevant to environmental health		<b>Chief Officers</b> General day to day management of the community safety service and compliance with any legislative provisions relating to crime, disorder and nuisance. Investigations, authorisations and interventions relating to anti-social behaviour including service of notices, warrants and any other statutory enforcement.	
	7.14 Community initiatives and safety, transport and shop mobility		<b>Chief Executive and Chief Officers</b> Day to day management.	
	7.15 Council Information Centre and Customer Relations		<b>Chief Officers</b> Day to day management.	
	7.16 Assets of Community Value		<b>Chief Executive and Chief Officers</b> Day to day management of the process including maintaining Community Asset Register	
	7.17 Skills		<b>Chief Officers</b> Day to day management of the process	

	7.18 Safeguarding		<b>Chief Executive and Chief Officers</b> Day to day management and delivery of safeguarding policies and strategies	
	7.19 Care Leavers		<b>Chief Officers</b> Provision of support within the Council's functions	
	7.20 King's Lynn unparished area insofar as not delegated to King's Lynn Area Committee (KLAC)	KLAC	<b>Chief Executive and Chief Officers</b> Day to day support to unparished areas within the Council's functions, including to KLAC	
	7.21 Financial support and grants (financial assistance scheme and SLAs)		<b>Chief Officers and CFO</b> Day to day administration	
	7.22 Equal Opportunities strategies and policies (not as the employer)		<b>Chief Executive and Chief Officers</b> Day to day management.	
	7.23 Bus Shelters		<b>Chief Officers</b> Day to day administration	

Portfolio Holder	Functions	Portfolio Holder Consultations	Officer Delegation	Limits on Delegation
<b>8 Culture and Events</b>	8.1 Culture	CO	<b>Chief Executive and Chief Officers</b> Day to day management and delivery of the cultural strategy	C PH
	8.2 Museums and Heritage	CO	<b>Chief Officers</b> Day to day management and delivery of museum premises owned by the Council, including Stories of Lynn and strategy on heritage assets Day to day management of Heritage premises in the Council's ownership.	
	8.3 Arts policies and strategies	CO	<b>Chief Officers</b> Day to day operation of the policies	
	8.4 Liaison with Downham and Hunstanton Town Councils		<b>Chief Executive and Chief Officers</b> Day to day management of the process	
	8.5 Parish Council Liaison		<b>Chief Executive/Chief Officers/Monitoring Officer</b> Day to day management of relationship with Parish Councils	
	8.6 Christmas Lighting		<b>Chief Officers</b> Provision of Christmas lighting across the Borough	
	8.7 Events in King's Lynn and Markets and Fairs		<b>Chief Officers</b> Day to day administration of events in King's Lynn and Markets and Fairs in the Borough	
	8.8 Resort and Seafront Management	WM, CO	<b>Chief Officers</b> Day to day management of resorts and seafront	
	8.9 Financial Support and grants (financial assistance scheme and SLAs)		<b>Chief Officers and CFO</b> Day to day administration	

Body	Functions	Consultations	Officer Delegation	Limits on Delegation
<p><b>10 Council</b></p>	<p>10.1 The Constitution.            10.2 Adopting the Council's Policy Framework and determining matters involving a change or deviation from approved policy.            10.3 Approving the Council's position relating to local government boundaries, electoral divisions or number of Council Members.            10.4 By-law creating and management and promotion or making of local Acts.            10.5 Determining matters referred to Council by other bodies.            10.6 Appointments (staff and Members)            10.7 Determining the Council's Executive Arrangements.            10.8 Appointment of Honorary Aldermen or bestowing Freedom of the Borough.</p>		<p><b>Chief Executive</b>            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.            To act as Electoral Registration Officer and Returning Officer or Local Returning Officer for all elections, Parish Polls and Referendums and to take such action as is necessary to carry out those duties, including appointing Deputy Electoral Registration Officers and Deputy Returning Officers or Deputy Local Returning Officers.  <b>Chief Executive</b>            To act as the Proper Officer for the Council, as defined by Section 270 (3) Local Government Act1972            To exercise any power to protect the interests and wellbeing 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.            Staff Restructuring within budget including staff redundancies.            Day to day management of the Council's democratic processes.            Member Substitutions at meetings</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> <p>- Subject to notification from Group Leader or</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><b>Chief Executive</b></p> <p>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 and any appeals process.</p> <p>Variation and termination of employment contracts, extension of service following retirement age, suspension, confirmation of employment following completion of probationary period.</p> <p>Power to appoint staff.</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>individual member</p> <ul style="list-style-type: none"> <li>- Subject to notification from Group Leader and agreement of CE.</li> <li>- Changes to the Chief Executives contract of Employment would require Leader Sign off via a Delegated Decision</li> </ul>
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			<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>	
	10.9 Statutory Functions		<p><b>Monitoring Officer</b></p> <p>To maintain and update a list of statutory provisions under which the Council acting through any Chief Officer 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 to the Health and Safety Inspectors be authorised under the relevant Health and Safety legislation.</p> <p>To act as Monitoring Officer (Local Government &amp; 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 Local Government legislation 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>To authorise changes to this Scheme of Delegation to reflect any changes made by the Leader of the Council regarding the Portfolios held by Cabinet Members, including the Leader's portfolio, in consultation with the Leader.</p> <p><b>Assistant Directors Resources</b> 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><b>Chief Executive</b> Authorised Officer under the Regulation of Investigatory Powers Act To exercise the delegated powers of any Chief Officer where they are absent for any reason or the post is vacant. Officers identified in the Council's Scheme of Delegation are permitted to authorise other officers to exercise delegated function, unless specifically (whether by statute or otherwise) prohibited from doing so.</p>	*excluding any action involving the commencement of civil or criminal proceedings (delegated to LSM)
	Health and Safety where not as the employer		<p><b>Chief Executive and Chief Officers</b> Approval of Health and Safety Inspectors under the relevant legislation. Day to day responsibility of the Health and Safety process where not as the employer including the signature and service of all notices under the relevant legislation.</p>	



	the Borough or the Council at their discretion.			
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Body	Functions	Consultations	Officer Delegation	Limits on Delegation
<b>12 Licensing and Appeals Committee and Sub Committees thereof</b>	12.1 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 licences when Authority is a consultee. 12.2 To decide on applications under the Gambling Act 2005.	CO  CO	<b>Chief Officers</b> To administer and decide on Licensing applications under the Relevant legislation where no objections have been made or have been withdrawn.  <b>Chief Officers</b> To administer and determine Gambling Act applications where no objections have been made or have been withdrawn.	Where irresolvable objections/ representations made - LAC
<b>13 Licensing and Appeals Board and Panels thereof</b>	13.1 To decide on appeals/disciplinary matters for hackney carriages and private hire vehicle driver licences and Homelessness appeals and staffing appeals		<b>Chief Officers</b> 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:- (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 convicted of an offence involving dishonesty or drugs;	

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		<p>Consultation with Chr &amp; V Chr to L&amp;A Board for info</p>	<p>(iii) 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 Chief Officer – 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> <p>Road Traffic legislation - 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&amp;AB</p>	
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		Standards Committee	Committee by the Appointments Board/Investigating and Disciplinary Committee in consultation with the Chair of the Standards Committee.
<b>16 Audit Committee</b>	16.1 Approve annual Financial Statements  16.2 Approval of Annual Governance Statement  16.3 Appointment of independent co-opted members of Audit Committee	Chair of Audit Committee	<b>CFO</b> Preparation of annual financial statements for submission to Audit Committee and external auditors.  <b>Chief Officers</b> Preparation of Annual Governance Statement for submission to Audit Committee and external auditors.  <b>CFO</b> Determine and undertake arrangements for the purposes of enabling the selection of independent co-opted Members by Audit Committee.
<b>17 Electoral Arrangements Committee</b>	17.1 Overseeing Community Governance Reviews (CGR)	Chair of the Electoral Arrangements Committee	<b>Chief Officers</b> For mandatory CGR's: confirm validity (e.g. it has sufficient valid signatures, and contains necessary information) and thereby the commencement of the CGR. <b>Chief Officers</b> Day to day management of consultation procedures.

## **Specific delegation of exercise of planning functions to the Chief Officer – Environment & Planning**

**The following planning functions of the Council (set out in bold below) are delegated to the Chief Officer - Environment & Planning, and to such officers as that Director may approve.**

### **1.1 Determining applications made under the Planning Acts.**

1.1.1 Councillors have the right to request in writing to the Chief Officer – Environment & Planning/that **within 28 days of the publication of the weekly Planning Register of Applications, 21 days of the date of any re-consultation on amendments (see note 9)** that a planning application (including reserved matters), listed building application, or application for advertisement consent should be determined by the Planning Committee. Members must only call-in such applications within their own Ward, unless exceptional circumstances dictate otherwise, and Members must give a reason for calling-in an application to Committee.

1.1.2 Subject to 1.1.1, the Chief Officer –Environment & Planning shall have powers delegated to determine planning applications, listed building applications, and applications for advertisement consent under delegated powers except :

a) where the relevant Parish or Town Council have commented (within 21 days of the date of consultation) on planning applications for Major and Minor developments (not householders or variation of condition applications to householders), or within 21 days of the date of re-consultation on an amended scheme (see note 9), and this is contrary to the officer recommendation, and where :

- 1) the comments raise issues deemed to be material planning considerations relevant to that application; or
- 2) the issues raised have not been resolved by negotiation or are not capable of resolution through the imposition of conditions;

The exceptions to 1.1.2 a) above are where :

- i) the Parish Council continues to object to a reserved matters application, on the same grounds in principle raised through the original outline; or
- ii) the Parish Council continues to object on the same ground on a subsequent application, where substantially

the same proposal has previously been approved, and there have been no material change in circumstances.

In these circumstances these matters can be dealt with under delegated powers.

b) where a statutory consultee's comment is contrary to the officer recommendation and where:

- the comments raise issues deemed to be material planning considerations; and
- the comments are made in the stipulated time span (21 days); and
- the comments raise issues which have not been resolved by negotiation or capable of resolution through the imposition of conditions.

c) when it relates to a new telecommunications mast over 30m in height.

d) when it relates to a development proposal submitted by or on behalf of a Councillor of the Authority (or their spouse/partner or another direct relative) or by any member of the Council's staff (or their spouse/partner) who is involved in the planning or development process.

e) an application submitted by or on behalf of the Council for its own developments except for the approval of minor and other developments to which no objection has been received within 28 days of the applications publication on the weekly list.

f) where the site is subject of a previously dismissed appeal for substantially the same development, and the recommendation is to approve.

1.1.3 Delegated authority is granted to the Chief Officer –Environment & Planning to enter into S.106 legal agreements, that do not involve the payment of financial contributions above £60,000, unless they are in accordance with the Council's affordable housing policy when contributions can exceed this sum, and can vary existing S.106 legal agreements.

1.1.4 The Chief Officer –Environment & Planning may call-in applications that he considers should be presented to the Planning Committee for determination, usually through the issues it raises or through the scale of concerns relating to planning issues.

## **1.2 Sifting Panel**

1.2.1 Applications due to go to Planning Committee under 1.1.2 – 1.1.4 may be subject to a Planning Committee Sifting Panel process. The Sifting Panel may resolve that an application that would usually need to go to Planning Committee under 1.1.2-1.1.4, can be determined under officer delegated powers.

## **1.3 Other planning related functions delegated to the Chief Officer – Environment & Planning**

- 1.3.1 The determination of discharge of conditions and dealing with non-material amendments to approved schemes.
- 1.3.2 Respond to consultations from other bodies on their applications.
- 1.3.3 Serve, modify and withdraw Tree Preservation Orders (TPO's). Where an objection to a proposed TPO is received the proposed TPO will need to be determined by the Planning Committee.
- 1.3.4 Determine applications for works to protected trees (those subject to a TPO and qualifying trees in a conservation area).
- 1.3.5 To enter land and buildings for any purpose under the Planning Acts.
- 1.3.6 To carry out screening and scoping opinions under the Environmental Impact Assessment Regulations.
- 1.3.7 The determination of lawful development certificates, prior notifications/approvals or other similar processes forming part of the statutory planning process.
- 1.3.8 To exercise all other planning related functions whether by the making of operational decisions, service of notices, making or confirmation of orders, directions, dispensations or opinions, issue of determinations or certificates, lodgement of comments or objections upon consultation, commencement of proceedings, carrying out appeal work, withdrawal or discontinuance of any matter or action, responding to any matters served upon the Council or otherwise.

## **1.4 Enforcement of Planning Control under the Planning Acts**

1.4.1 Authority is delegated to the Chief Officer – Environment & Planning for the obtaining, signing, service, varying or withdrawal of:

(a) enforcement notices (which term shall also include listed building enforcement notices and special enforcement notices);

(b) stop notices and temporary stop notices;

(c) breach of condition notices;

(d) Requisitions for Information notices (S.330 notices), & planning contravention notices;

(e) S.215 ('tidy-up') notices;

(f) injunctions and their enforcement;

(g) completion notices;

(h) urgent works notices;

(i) listed building repairs notices

(j) advertisement removal notices

(k) discontinuance notices

1.4.2 To prosecute for non-compliance of formal notices served under the planning acts, and to take operational decisions relating to those prosecutions, having regard to the council's combined enforcement policy;

1.4.3 Undertaking other enforcement related tasks, investigations, operational decisions, investigations and service of notices relating to trees and hedges, the historic environment, advertisements, and hazardous substances, all under the relevant legislation.

## **1.5 High hedges**

1.5.1 To determine, under the Anti-Social Behaviour Act 2003, applications for works to a high hedge, to serve remedial notices as appropriate and prosecute & take direct action against non-compliance with notices.

## **1.6 Other legislation**

1.6.1 To serve notices and respond to consultations relevant to the planning function as necessary under the provisions of the following pieces of legislation, as updated and amended:

a) Local Government (Miscellaneous Provisions) Acts 1976 & 1982

b) Building Act 1984

c) Environment Act 1995

d) Communications Act 2003. Under this act any applications to remove phone boxes can only be dealt with under delegated powers should there be no objection from the relevant Parish Council

This shall also include all relevant statutory instruments and secondary legislation associated with the above primary legislation.

### **Notes**

- 1) All prosecutions and injunctions, and decisions associated with them, shall be made only with the agreement of the Assistant Director for Legal Services (or equivalent title), or in their absence an Chief Officer. The relevant Ward Member, Portfolio Holder – Development, and the Chairman & Vice-Chairman of the Planning Committee will be notified of decisions relating to prosecutions and injunctions.
- 2) Enforcement action is authorised only if the taking of such action has not been specifically excluded by the Planning Committee in any particular case.
- 3) The service of any formal notices or taking of action in section 1.4 and 1.5 must be authorised by either the Assistant Director of Legal Services (or equivalent title), Chief Officer – Environment & Planning, or Assistant Director - Environment & Planning
- 4) References to the Chief Officer – Environment & Planning shall also relate to the Assistant Director – Environment & Planning.
- 5) Where a Member refers an application to the Planning Committee, that Member will be asked to confirm his/her attendance preferably by e-mail to the relevant Planning Officer prior to the publication of the Agenda at the meeting to which it is referred. If the Member is unable to confirm their attendance or fails to attend, except in exceptional circumstances which would be at the discretion of the Chairman, the application may not be considered and could be referred back to officers to determine.
- 6) Reference to the 'Planning Acts' shall include the:

- Town & Country Planning Act 1990
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning (Hazardous Substances) Act 1990
- Planning and Compulsory Purchase Act 2004
- Planning Act 2008

This list may change over time as new legislation comes forward and it shall also include all relevant statutory instruments and secondary legislation associated with the primary legislation.

- 7) The Sifting Panel shall usually be made up of the Chairman & Vice-Chairman of the Planning Committee, Portfolio Holder – Development and Regeneration, another Member of the Planning Committee, and two of the Chief Officer, the Assistant Director or the Planning Control Manager. It will require a minimum of one officer and two Councillors to be quorate. The Panel shall meet as required. The precise operation of the Panel will be as directed by the Chief Officer and Portfolio Holder – Development and Regeneration.
- 8) Reference to ‘own development’ in 1.1.2 d) does not include when a councillor is working as a planning agent, as part of their business or employment, and therefore has no other interest in an application apart from acting on behalf of a third party.
- 9) There is no legal requirement to formally reconsult on amendments to planning applications, unless they relate to an application which includes an Environmental Impact Assessment. However, officers will re-consult on those changes deemed more than minor, and which are considered to be material changes requiring further consideration. These changes can often be to overcome objections raised earlier in the consultation process.

**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**

Amendment 24 Sept 2015  
Amendment April 2016  
Amendment 30 June 2016  
Panel Amendment 25 Jan 2018  
Amendments 14 Jan 2021  
Amendments 8 April 2021  
Amendment 6 October 2021  
Amendment 9<sup>th</sup> March 2023  
Amended by Full Council 28<sup>th</sup> November 2024  
Amended Full Council 2<sup>nd</sup> October 2025

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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 of 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)(Meetings and Access to Information) (England) Regulations 2012

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

“Cabinet” means the Leader of the Council and members of the Council appointed by the Leader to be its Executive under Section 9c of the 2000 Act and, except where the context otherwise admits, includes:

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

“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.

“Chair” means the Member appointed as chair of a Council Body or in their absence the Vice-Chair.

“Chief Executive” means the Chief Executive or any officer authorised by the Chief Executive to act in their 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.

“Constitution” means the Council’s constitution adopted under section 9B of the Local Government Act 2000.

“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.

“Council Body” means a body of the Council whose meetings are subject to public access under the Local Government Act 1972 or the Local Government Act 2000.

“Council Procedure Rules” means the Council Procedure Rules within the Constitution which set out the rules of procedure relating to Full 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.

“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.

“Forward Plan” means the plan maintained by the Council under Regulation 9 of the Access Regulations, which contains details of key decisions (within the meaning of those Regulations) to be made over the ensuing four months.

“Full Council” means the Council Body made up of all Members of the Council.

“Full Council Meeting” means the meetings of the Full Council as set out in the Council Procedure Rules.

“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 the meeting of a Council Body

“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 9F of the 2000 Act

“Person Presiding” means the Mayor or Chair, 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

“Portfolio Holder” means any member of the Cabinet also known as the Executive, including The Leader of the Council.

“Proposer” means the person that moves a motion including its recommendations and including amendments.

“Regulatory Council Body” means Planning Committee, Licensing Committee, Licensing and Appeals Board and hearings/interview of the Appointments Board/Investigation and Disciplinary Panel and Standards Committee.

“Resolution” means decision of a decision-making Council Body

“Seconded” means the person that seconds a motion from a Proposer.

“Standing Orders” these standing orders adopted as part of the Constitution

“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 them 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 a notice or any other papers are to be sent or otherwise addressed to a Member under these Standing Orders or any enactment, they shall be sent to that Member’s Council email address save where exceptions are agreed by the Chief Executive.

4. For all purposes of these Standing Orders, the terms “notice”, “summons”, “agenda”, “report”, “written record” and “background papers” when referred to as being a document that is:

4.1 “open to inspection” shall include for these and all other purposes as being published on the Council’s website; and

4.2 to be published, posted or made available at offices of the Authority shall include publication on the Council’s website.

## **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 a Council Body, plus Informal Working Groups and executive delegated decisions.

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.

## **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, Standing Orders other than this one and any Standing Order that is a mandatory statutory requirement 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 after consideration by the Cabinet and to the extent permitted by any Act of Parliament.

## **4 Meetings of the Council**

### *Extracts from the Statute*

*A principal council may in every year hold such meetings as they may determine. Those meetings shall be held at such hour and on such days as the council may determine (Local Government Act 1972, sch 12, para 2)*

*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 4)*

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

4.1 Meetings of the Full Council shall be conducted in accordance with these Standing Orders and the Council Procedure Rules except to the extent that they are suspended under the procedure that is set out by Standing Order 2.

## **5 The chairing of meetings**

### Extracts from Statutes

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

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

*(a) except in Greater London, the vice-Chair of the council, if present, shall preside.....If,*

*(b) in the case of a principal council outside Greater London, both the Chair and vice Chair 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 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.

5.2 If either or both of the Chair and Vice Chair 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 Chair and/or a Vice Chair for that meeting before any other business is transacted.

5.3 The Chair and Vice Chair 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 Any Meeting shall be quorate providing that:

6.1.1 at least one quarter of the total number of Members of the Council Body that is meeting are present; and

6.1.2 in any event, at least three Members of the Council Body that is meeting are present.

6.2 If, during any Meeting, the Chair, after causing the number of Members present to be counted, declares that there is not a quorum present (as defined in Standing Order 6.1 above), the Meeting shall stand adjourned for fifteen minutes.

6.3 If, after the adjournment of a Meeting for fifteen minutes under Standing Order 6.2 above, the Chair after again causing the number of Members Present to be counted, declares that there is still no quorum, the Meeting shall end for the reason of being non-quorate.

6.4 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 Chair 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 Chair 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**

NOT USED

## **9 Public question time and petitions at meetings of the Council**

NOT USED

## **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 Chairs of Council bodies and members of the Cabinet**

NOT USED

## **12 The calling-in of Cabinet recommendations and executive decisions**

12.1 Any Cabinet decision, or Cabinet recommendation to the Council, delegated Cabinet Member's decision or officer delegated decision, may be presented for call-in to the Corporate Performance Panel.

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, they will then determine whether or not the call-in is sufficiently valid to pass to the 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 been overlooked or not been considered 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, they will promptly inform the proposer and supporters of the call-in of their 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 Chair of the Corporate Performance Panel.

12.7 Once formal notification of a valid call-in has been received, the Chair of the 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 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 Corporate Performance Panel will decide upon one of the following two courses of action:

(a) support the Cabinet/Cabinet Member's/ officer'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 Panel upholds the call-in it may then take one of three courses of action:

(a) report to Council, Cabinet or the relevant Cabinet Member or officer requesting that the Cabinet/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/Cabinet Member/officer 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/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/Cabinet Member/officer 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 Corporate Performance Panel or approved by the Council.

12.13 When the 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 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/Cabinet Member/officer 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 Chair of the Corporate Performance Panel, or in his absence the Vice Chair of 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 Chair or decision maker.

*(Regulations 10 and 11 of the Access Regulations).*

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.

### 12.17 Key Decisions

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

- (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

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

### 12.18 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 Chief Executive has informed the Chair of The Corporate Performance Panel, 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) at least five clear days have elapsed between notice being given and the decision being taken.

### **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 Chair 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.
- (p) the referral of any matter to a specified Council Body for consideration and/or determination under Standing Order 14.6 (b)

### **14 Notices of motions which can only be moved with notice**

NOT USED

### **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/Chair 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 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/Chair 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 disallow, re-direct or postpone consideration of any matter raised under these Standing Orders.

### **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 Chair 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 Chair 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 Chair 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 Chair 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 Chair 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 Chair 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 Chair 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 Chair 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 Chair 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 Chair 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 Chair of the meeting to stop that behaviour and, if they do not, the Chair 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 Chair 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 Chair of any meeting invokes this Standing Order because of the conduct of any Member of the Council, they may 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 Corporate Performance Panel should follow the steps outlined below (a-f) in debating the subject matter:

(a) The Proposer of the call-in and their supporters address the Corporate Performance Panel about the call-in and why it should be upheld;

(b) The Panel Members receive a submission from the relevant Portfolio Holder;

(c) The Panel Members receive submissions from Officers;

(d) The Panel Members receive submissions from members and, at the discretion of the Chair, other interested parties.

(e) The 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 Panel will decide (in Accordance with Standing Order 12) either to support the Cabinet/Officer's/Cabinet Member's recommendation(s)/decision(s), or, to uphold the call-in.

#### **H – General applicability of rules of debate**

15.35 These rules of debate may be applied to meetings of Council Bodies, including Task Groups but excluding the Licensing Committee, the Licensing and Appeals Board and their sub-committees, to the extent that the Chair of that meeting considers appropriate.

### **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 Chair, 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 Chair 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 Chair 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 enactment ....all 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 a Meeting and voting on them except that, where there is an equality of votes, the Chair 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 Chair 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 Chair of that meeting, a recorded vote under this Standing Order is demanded frivolously or vexatiously, the Chair 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 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.

17.5 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**

NOT USED

## **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 seventeen Members of the Council or one third of the number of members of the meeting who made the resolution, whichever is the lower number.

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.

## **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 a Meeting and has any interest pursuant to the Council's code of conduct in a 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 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 they have declared an interest under section 117 of the 1972 Act or Paragraph (1), they 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), they 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.

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, 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 Chief Officer in which a vacancy has been advertised (or, if a vacancy is for an Chief Officer 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 Dismissal**

24.1 In the following paragraphs of this Standing Order:

- (a) “the 2011 Act” means the Localism Act 2011;
- (b) “chief finance officer”, “disciplinary action”, “head of the authority's paid service” and “monitoring officer” have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001;
- (c) “independent person” means a person appointed under section 28(7) of the 2011 Act;
- (d) “relevant independent person” means any independent person who has been appointed by the authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the authority considers appropriate.
- (e) “local government elector” means a person registered as a local government elector in the register of electors in the authority's area in accordance with the Representation of the People Acts;
- (f) “the Panel” means a committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;
- (g) “relevant meeting” means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and
- (h) “relevant officer” means the chief finance officer, head of the authority's paid service or monitoring officer, as the case may be.

24.2 A relevant officer may not be dismissed by the authority unless the procedure set out in the following paragraphs is complied with.

24.3 The authority must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.

24.4 Subject to paragraph 24.5 of this Standing Order the authority must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 24.3 of this Standing Order in accordance with the following priority order:

- (a) a relevant independent person who has been appointed by the authority and who is a local government elector;
- (b) any other relevant independent person who has been appointed by the authority;

(c) a relevant independent person who has been appointed by another authority or authorities.

24.5 An authority is not required to appoint more than two relevant independent persons in accordance with paragraph 24.4 of this Standing Order but may do so.

24.6 The authority must appoint any Panel at least 20 working days before the relevant meeting.

24.7 Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the authority must take into account, in particular:

(a) any advice, views or recommendations of the Panel;

(b) the conclusions of any investigation into the proposed dismissal; and

(c) any representations from the relevant officer.

24.8 Any remuneration, allowances or fees paid by the authority to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the 2011 Act.

24.9 Councillors will not be involved in the dismissal of any Officer below Chief Officer except where such involvement is necessary (e.g. as a witness) for any investigation or inquiry into alleged misconduct; the Council's disciplinary procedures allow a right of appeal to an independent senior officer of the Council in respect of dismissals.

## **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, 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 Legal 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**

### Extracts from Statutes

*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 include 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 Cabinet Members, once a decision has been made, unless the 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 a Policy Review and Development 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 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**

### Extracts from the statutes

*Neither—*

(a) *a local authority executive, nor*

(b) a committee of a local authority executive,

is to be regarded as a body to which section 15 of the Local Government and Housing Act 1989 (duty to allocate seats to political groups) applies

(Section 9GC Local Government Act 2000)

The chair and the vice-chair of the Borough Council shall, unless they resign or become disqualified, continue on office until their successors become entitled to act as chair and vice-chair of the Borough Council, as appropriate.

During their terms of office, the chair and the vice-chair of the Borough Council shall continue to be a member of the council notwithstanding the provisions of the Local Government Act 1972 relating to the retirement of councilors

(Section 3 and 5 Local Government Act 1972)

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

- It shall appoint the Leader of the Council and Chair 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-Chair and Cabinet on an annual basis.
- The Vice Chairs of the Policy Review and Development Panels and Audit Committee will be appointed by the Body at its first meeting of the Municipal year

### **Scrutiny and Overview Bodies**

<b>Policy Review and Development Panels:</b>	Up to 12 members
<b>Corporate Performance Panel</b>	Politically proportional with Vice-Chairs appointed by the Panel
<b>Regeneration and Development Environment and Community</b>	

### **Cabinet and Boards**

<b>Cabinet</b>	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) ( <i>Local Government and Public Involvement in Health Act 2007</i> ). Neither the Cabinet nor any Committee appointed by the Cabinet are required to be Proportional.
<b>Appointments Board</b>	9 Members (Politically Proportional)

<b>Audit Committee</b>	9 Members (Politically Proportional) plus up to 2 non-voting independent co-opted members.
<b>Planning Committee</b>	15 Members (Politically Proportional)
<b>Licensing and Appeals Committee</b>	13Members (Politically Proportional)
<b>Licensing Committee</b>	13 Members (Politically Proportional)
<b>Standards Committee</b>	7 Members (Politically Proportional) (plus up to 2 non-voting Parish representatives and one Independent Person selected from a pool of up to 3 co-optees)
<b>Electoral Arrangements Committee</b>	10 Members (Politically Proportional)

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, Chair and Vice-Chair of the Council as set out above).

29.2A In the event the Chair of a Council Body (excluding Council and Cabinet) resigns or the Chair is otherwise permanently vacated, the Council may appoint a new Chair before the next Annual Meeting.

29.2B Full Council may resolve at any time to:

- i) Remove any Member (including the Chair) from a Council Body.
- ii) Remove and (where relevant) replace a Chair/Vice Chair of a Council Body.

pursuant to a recommendation from the Standards Committee or its sub-committee, following a finding of breach of the Member Code of Conduct.

### **Task Groups**

29.3 The Council, Cabinet and any Policy Review and Development 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 disapplied.

(b) Group nominations for Task Groups membership will be made to the Chief Executive who is authorised to appoint them.

29.5 Task Groups shall in law be Committees of the Council. The terms of reference of Task Groups shall be specified by the body appointing them as shall their duration or the event on which they shall cease to meet.

29.6 If a Task Group appointed by the Council or Cabinet or a Policy Review and Development Panel is to do any of the following things, these may be specified in its terms of reference:-

- (a) have a Councillor membership other than six,
- (b) have non-members of the Council as non-voting members,
- (c) commission research, or
- (d) 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 only be regarded as approved duties, with respect to traveling expenses, with the prior approval of the respective Panel's Chair.

29.9 Any formal meeting of a Council Body, including Task Groups and Informal Working Groups, shall be attended, supported and recorded by a proper Officer of the Council

## **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](http://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 Record of individual decision**

As soon as reasonably practicable after an Executive decision has been taken by an individual member of the Executive or an officer, they 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.

### **30.6 Special Urgency**

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

## **31 Special Meetings**

31.1 A special meeting of a Council Body, including Cabinet and any Committee, Task Group, Panel and Informal Working Group:-

- (a) may be called by the Chair 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 relevant Member to a Special Meeting, under paragraph 31.1 of this Standing Order, with a notice served 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) 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/or the Democratic Services Office; and,
- (c) the Member nominated under paragraph 32.1(b) is not precluded from being a member of that Council Body or Task Group 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 as the nominating 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 Democratic Services Officer 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 Unless the majority of Members present vote for the Meeting to continue, any Meeting that has lasted for 3 hours will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If they do not fix a date, the remaining business will be considered at the next ordinary Meeting.

33.2 The motion for voting to continue a Meeting at 33.1 above shall be for an extension of the duration of the Meeting for a period of one hour, unless the Chair proposes a different period of time. Upon the expiry of this or any other extension, the Meeting shall adjourn immediately unless the majority of Members vote for a further extension of the Meeting. Any such motion to further extend the duration of the Meeting beyond the first extension shall be limited to no more than one hour, as determined by the Chair.

### **34A Rights of non-members to attend meetings of Council bodies**

34A.1 Every Member of the Council shall have the right:

- (a) to attend any meeting of a Council body plus Informal Working Groups;
- (b) to speak at any meeting of a Council body plus Informal Working Groups, except, for the purposes of this Standing Order:
  - (i) The Licensing Committee, the Licensing and Appeals Board, Standards Committee Panel Hearings, Appointments Board Interviews and Investigatory and Disciplinary Committee Hearings
  - (ii) In the case of Planning Committee:
    - The Ward Member(s) for the relevant application/item can speak; and/or
    - at the discretion of the Chair of the Planning Committee, other Members can speak provided that two days clear notice shall be given of any intention to speak on an application/item along with a brief summary of what they intend to say.

With the exception of Planning Committee, a Member shall inform Democratic Services and the Chair by 12 noon on the day of the meeting, or by 5pm the day before if it is a morning meeting of their intention to attend and/or speak, as appropriate, specifying on what items they wish to be heard.

34A.2 Any Member of the Council speaking at a meeting of a Council body, including Task Groups, under this Standing Order must, in any event, conclude what they wish to say in relation to the issue or issues under consideration prior to any decision being taken on that issue or issues. Any Member speaking under this rule may speak for up to five minutes on each agenda item, with Chairs discretion applied where appropriate.

34A.3 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 together with any item on which they spoke.

34A.4 For the purposes of this Standing Order the right to speak at:

- (a) Cabinet is limited only to a right to make a statement, subject to the discretion of the Chair;
- (b) Scrutiny and Overview Bodies includes the right to ask questions;
- (c) Any other Council Bodies, including Task Groups and Informal Working Groups, includes the right to contribute to the debate of the item on which they wish to be heard.

### **34B Committee Members attending remotely under Standing Order 34**

34B.1 Constituted Members of a Committee that are unable to attend under Standing Order 34 can either:

- (a) Send a substitute who has their full rights physically in the meeting, or
- (b) Attend virtually online, and whilst they can participate in the debate they will not be able to vote.

34B.2 A notice period is not required in this regard, as it is recognised that the need to send a substitute can occur late in the day, however it is requested where an absence is known in advance notice is provided and the Member actively seeks a substitute.

### **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**

#### Extracts from the statutes

“plan or strategy” means—

(a) a plan or strategy of a description specified in column (1) of the table in Schedule 3 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (functions not to be the sole responsibility of an authority's executive), as amended from time to time;

(b) a plan or strategy for the control of a relevant authority's borrowing or capital expenditure; or

(c) any other plan or strategy whose adoption or approval is, by virtue of regulation 5(1) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (discharge of executive functions by authorities) as amended from time to time, a matter for determination by a relevant authority;

(Local Authorities (Standing Orders) (England) Regulations 2001 Regulation 2)

(a) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ, of the Local Government Finance Act 1992;

(b) estimates of other amounts to be used for the purposes of such a calculation;

(c) estimates of such a calculation; or

(d) amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992,

(Local Authorities (Standing Orders) (England) Regulations 2001 Para 6, Part 2, Schedule 2)

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 Schedule 2 to 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 Cabinet Members**

38.1 Wherever a decision is to be made by a 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 email 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

(1) **MOTION** moved and seconded

↓

(2) **DEBATE ON MOTION**

↓ → → → **NO AMENDMENT** move to (6)

(3) **AMENDMENT** moved and seconded

↓

(4) **DEBATE ON AMENDMENT**

↓

when debate finishes

↓

(5) **MOVER OF ORIGINAL MOTION INVITED TO  
REPLY TO DEBATE ON AMENDMENT**

↓

**VOTE ON AMENDMENT**

↓ **IF CARRIED** - MOTION AS AMENDED IS OPEN FOR DEBATE

↓ **IF LOST** - ORIGINAL MOTION IS OPEN FOR DEBATE

(Any number of amendments can be moved and dispensed with in the way **ONE AT A TIME**)

↓

(6) **DEBATE**

↓

(7) **WHEN DEBATE FINISHED MOVER OF ORIGINAL MOTION (1) TO REPLY TO DEBATE**

↓

(8) **VOTE ON MOTION (ORIGINAL OR AS AMENDED)**

↓

**IF CARRIED – DECISION**

**IF LOST - NO DECISION** – Matter open for further proposal or stands as a **NO DECISION** item.

**IF EQUALITY OF VOTES - NO DECISION**

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 Chair will remind all present that recordings may be made in accordance with the Openness Regulations.

(c). The Chair 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 Chair, any other behaviour or activity is taking place which in their opinion is preventing the orderly conduct of business at the meeting (for example, the use of flash photography), the Chair will exercise their 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.

# **Council Procedure Rules**

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## **1. Interpretation**

- 1.1 These Council Procedure Rules are to be read in conjunction with the remainder of the Constitution. In the event of any inconsistency between the Council Procedure Rules and the remainder of the Constitution, the Council Procedure Rules take precedence.
- 1.2 The purpose of these Council Procedure Rules is to set out in one location the procedure rules that apply to meetings of the Full Council.
- 1.3 Definitions shall have the meaning set out within these Council Procedure Rules or in Standing Orders.
- 1.4 The ruling of the Mayor as to the construction or application of these Council Procedure Rules or as to any proceedings of any Full Council Meeting will be final for the purposes of the meeting at which it is given.

## **2. Types of meetings of the Full Council**

- 2.1 There are four types of Full Council meetings:
  - 2.1.1 Annual Meeting (usually held in May)
  - 2.1.2 Ordinary Meetings (6 each year)
  - 2.1.3 Extraordinary Meetings (whenever called)
  - 2.1.4 Budget Meeting (usually in February)
- 2.2 The four types of meeting set out above shall be collectively referred to as Full Council Meetings.
- 2.3 All Members are entitled to attend Full Council Meetings.
- 2.4 A Full Council Meeting shall be held at the location specified in the published agenda for the Full Council Meeting.
- 2.5 The quorum of all Full Council Meetings will be one quarter of the 55 Members rounded up, equating to 14 Members.

## **3. Annual Meeting**

### Timing and business

- 3.1 In a year when there is an ordinary election of Members, the Annual Meeting will take place within 21 days of the retirement of the outgoing Members

(retirement happening on the on the fourth day after the ordinary day of election, including Saturday, Sunday and any bank holidays).

- 3.2 In any other year, the Annual Meeting will take place in May.
- 3.3 The order of business for the Annual Meeting shall be:
  - 3.3.1 elect a Person Presiding if the outgoing Mayor or Deputy Mayor is not present
  - 3.3.2 prayers, declarations of interest and Mayor's communications and announcements
  - 3.3.3 the election of the Mayor and the Deputy Mayor, who shall be respectively Chair and Vice Chair of the Council
  - 3.3.4 conveying the Council's thanks and appreciation of the work carried out by the retiring Mayor and Deputy Mayor and their consorts
  - 3.3.5 (where required in accordance with Article 7.08) receiving the resignation of the Chair of Cabinet and Leader of the Council OR receiving a report on the disqualification of the Chair of Cabinet and Leader of the Council as a Member of the Council OR considering a resolution to remove the Chair of Cabinet and Leader of the Council
  - 3.3.6 (where required in accordance with Article 7.06 or 7.07) appointing the Chair of the Cabinet and Leader of the Council for a four year period or such period between the Annual Meeting and the next post-election Annual Meeting
  - 3.3.7 (where 3.3.6 is on the agenda) noting the Members appointed to Cabinet by the Chair of Cabinet
  - 3.3.8 agree the proportional allocation of seats to Council Bodies (other than Cabinet)
  - 3.3.9 appoint Members to Council Bodies (other than the Cabinet)
  - 3.3.10 appoint the Chairs and Vice Chairs of other Council Bodies save for Committees/Panels that appoint their own Vice-Chairs under Standing Order 29
  - 3.3.11 make appointments to non-executive Outside Bodies (this item may be deferred to the following Ordinary Meeting either with or without the previous appointments continuing until the next Ordinary meeting)

3.3.12 considering such other Urgent Motion (Rule 12) or urgent business as the Chief Executive has to report.

3.4 The order of business under Rule 3.3 may be varied by way of a resolution passed under Rule 10 (Motions Without Notice).

#### Procedure at Annual Meetings

3.5 The outgoing Mayor, Deputy Mayor or appointed Person Presiding shall chair the Annual Meeting up to and including the agenda item at 3.3.3 above whereupon the newly appointed Mayor or in their absence, the Deputy Mayor, shall chair the Annual Meeting.

3.6 The Proposer and Secunder of the election of a Mayor and Deputy Mayor may respectively speak for up to 5 minutes in support of their nomination. There shall be no other speakers and the item shall move to the vote.

3.7 The Leader of the Council or their nominee shall propose a conveyance of thanks and appreciation of the work carried out by the retiring Mayor and Deputy Mayor and their consorts.

3.8 In respect of all other nominations made at the Annual Meeting, the Proposer and Secunder shall not speak to their nomination. Once all nominations with a Secunder have been received, the item shall move to a vote.

3.9 In the exceptional case there is a debate item at the Annual Meeting, the Rules of Debate at Council Procedure Rule 13 shall apply.

## **4. Ordinary Meetings**

### Timing and business

4.1 There will be 6 Ordinary Meetings in a municipal year.

4.2 The order of business for the Ordinary Meeting shall be:

4.2.1 elect a Person Presiding if the Mayor and/or Deputy Mayor are not present

4.2.2 prayers

4.2.3 to approve the minutes of the preceding Full Council Meeting(s)

4.2.4 declarations of interest

- 4.2.5 any formal announcement or communications written or received by the Mayor
  - 4.2.6 Urgent Motions as defined by Rule 12
  - 4.2.7 any business expressly required by statute to be done
  - 4.2.8 any business that remains from the previous meeting
  - 4.2.9 questions and petitions submitted by members of the public under Rules 20 and 21
  - 4.2.10 reports and recommendations from Council Bodies (including business referred to the Council under the “call-in” procedures of Standing Order 12)
  - 4.2.11 any other matters considered by the Chief Executive in consultation with the Mayor needing immediate consideration
  - 4.2.12 Notice of Motions made in accordance with Rule 7
  - 4.2.13 Questions to Cabinet Members under Rule 8
  - 4.2.14 Questions to Chairs of Council Bodies under Rule 9
- 4.3 The order of business under Rule 4.2 may be varied by way of a resolution passed under Rule 10 (Motions Without Notice).

#### Procedure at Ordinary Meetings

- 4.4 The Mayor shall chair the Ordinary Meeting if they are present at the Ordinary Meeting.
- 4.5 If the Mayor is absent from the Ordinary Meeting, the Deputy Mayor shall chair the Ordinary Meeting.
- 4.6 If it is necessary to choose a Member of the Council as the Person Presiding in the absence of the Mayor and Deputy Mayor, the Chief Executive shall call for nominations for a Member of the Council, who is not a member of the Cabinet, to be appointed as the Person Presiding.
- 4.7 The Rules of Debate at Rule 13 below shall apply to debate items.

- 4.8 Any nominations to positions shall be moved by the Proposer and Seconder without speaking to their nomination. Once all nominations with a Seconder have been received, the item shall move to a vote.

## **5. Extraordinary Meetings**

### Timing and business

- 5.1 Extraordinary Meetings can only be called as follows:
- 5.1.1 by resolution of the Full Council;
  - 5.1.2 the Mayor; or
  - 5.1.3 any five Members of the Council if they have signed a requisition presented to the Mayor (or Deputy Mayor in the Mayor's absence or the Chief Executive in the Mayor and Deputy Mayor's absence) and they have refused to call an Extraordinary Meeting or have failed to call an Extraordinary Meeting within seven days of the presentation of the requisition.
- 5.2 The date, time and place of any Extraordinary Meeting will be determined by the Chief Executive, but will in any event be held within 21 days of the Extraordinary Meeting being called.
- 5.3 The order of business for the Extraordinary Meeting shall be:
- 5.3.1 elect a Person Presiding if the Mayor and/or Deputy Mayor are not present
  - 5.3.2 prayers
  - 5.3.3 declarations of interest
  - 5.3.4 Urgent Motions as defined by Rule 12
  - 5.3.5 any business expressly required by statute to be done
  - 5.3.6 the extraordinary business set out in the agenda.

### Procedure at Extraordinary Meetings

- 5.4 The Mayor shall chair the Extraordinary Meeting if they are present at the Extraordinary Meeting.

- 5.5 If the Mayor is absent from the Extraordinary Meeting, the Deputy Mayor shall chair the Extraordinary Meeting.
- 5.6 If it is necessary to choose a Member of the Council as the Person Presiding in the absence of the Mayor and Deputy Mayor, the Chief Executive shall call for nominations for a Member of the Council, who is not a member of the Cabinet, to be appointed as the Person Presiding.
- 5.7 The Rules of Debate at Rule 13 shall apply.
- 5.8 Any nominations to positions shall be moved by the Proposer and Seconder without speaking to their nomination. Once all nominations with a Seconder have been received, the item shall move to a vote.

## **6. Budget Meeting**

### Timing and business

- 6.1 Budget Meetings shall be held in February of each year. Only in exceptional circumstances where Full Council has failed to set the Budget in February can a Budget Meeting be held later than February.
- 6.2 The order of business for the Budget Meeting shall be:
  - 6.2.1 elect a Person Presiding if the Mayor and/or Deputy Mayor are not present;
  - 6.2.2 prayers;
  - 6.2.3 declarations of interest;
  - 6.2.4 any formal announcement or communications written or received by the Mayor;
  - 6.2.5 Urgent Motions as defined by Rule 12;
  - 6.2.6 any business expressly required by statute to be done, aside from setting the Budget;
  - 6.2.7 any other matters considered by the Chief Executive in consultation with the Mayor needing immediate consideration;
  - 6.2.8 questions submitted by members of the public under Rule 20 only insofar as they relate to the Budget or Associated Budget Items below;
  - 6.2.9 setting of the Budget: Financial Plan and Council Tax Resolution, referred to as the "Budget"; and

6.2.10 consideration of the following items which are collectively referred to as the “Associated Budget Items”:

- 6.2.10.1 Capital Strategy;
- 6.2.10.2 Treasury Management Strategy;
- 6.2.10.3 Capital Programme; and
- 6.2.10.4 Any other document identified by the Chief Finance Officer as requiring approval as part of the budget setting process.

### Procedure at Budget Meetings

- 6.3 The Mayor shall chair the Budget Meeting if they are present at the Budget Meeting.
- 6.4 If the Mayor is absent from the Budget Meeting, the Deputy Mayor shall chair the Budget Meeting if they are present at the Budget Meeting.
- 6.5 If it is necessary to choose a Member of the Council as the Person Presiding in the absence of the Mayor and Deputy Mayor, the Chief Executive shall call for nominations for a Member of the Council, who is not a member of the Cabinet, to be appointed as the Person Presiding.
- 6.6 Any nominations to positions shall be moved by the Proposer and Secunder without speaking to their nomination. Once all nominations with a Secunder have been received, the item shall move to a vote.
- 6.7 The Rules of Debate at Rule 13 shall apply, as amended by this Rule 6:
  - 6.7.1 Amendments to the Budget:
    - 6.7.1.1 A Budget Amendment is an amendment to the proposed Budget approved by Cabinet and moved in accordance with this Rule. A Budget Amendment may consist of any number of individual proposals to amend the proposed Budget approved by Cabinet, but which will be taken altogether to form one Budget Amendment. The Budget Amendment must be moved as one motion to amend;
    - 6.7.1.2 any Leader of an opposition Political Group or in their absence their deputy may move one Budget Amendment in accordance with this Rule 6. Members in a Political Group cannot move amendments themselves; this must be done through their Political Group Leader;
    - 6.7.1.3 any non-aligned Members may move one Budget Amendment in accordance with this Rule 6;

- 6.7.1.4 a Leader of an opposition Political Group, their deputy or a non-aligned Member wishing to move a Budget Amendment must submit their proposed Budget Amendment in writing to the Council's Chief Finance Officer no later than ten clear working days before the Budget Meeting;
- 6.7.1.5 all Budget Amendments submitted will be shared with all Members, the Chief Finance Officer, the Chief Executive, the Monitoring Officer and all other relevant Chief Officers;
- 6.7.1.6 the Chief Finance Officer and Monitoring Officer will assess each Budget Amendment to ensure that it complies with the following criteria:
  - a. it would deliver a balanced Budget without requiring any further reliance on reserves over and above that which is set out in the Budget approved by Cabinet;
  - b. be within the Council's powers; and
  - c. not trigger any legal requirement for consultation.
- 6.7.1.7 the Chief Finance Officer and Monitoring Officer or their nominated deputies will jointly confirm to each relevant Political Group Leader and non-aligned Member no later than seven clear working days before the Budget Meeting whether the criteria at Rule 6.7.1.6 has been complied with in relation to each proposed Budget Amendment;
- 6.7.1.8 where 6.7.1.6 has been complied with, the approved Budget Amendments shall be published on the Council's website with the Budget Meeting agenda;
- 6.7.1.9 where 6.7.1.6 has not been complied then the proposed Budget Amendment cannot be moved at the Budget Meeting save that where the non-compliance can be rectified by way of a non-material alteration to the Budget Amendment identified by the Chief Finance Officer or the Monitoring Officer, the relevant Leader of a Political Group, their deputy or non-aligned Member may request their Budget Amendment be altered to render it compliant. Such request must be made at least six clear working days before the Budget Meeting and Rule 6.7.1.8 must then be complied with;
- 6.7.1.10 no amendments from the floor at the Budget Meeting may be moved unless they have been approved in accordance with this Rule 6.7 unless it is with the written consent of the Chief Finance Officer and serves to:

- a. correct an error(s) in the Budget; or
- b. address developments that have arisen since the Budget was published with the agenda for the Budget Meeting.

- 6.7.1.11 no amendment to a published Budget Amendment shall be moved from the floor at the Budget Meeting unless it is with the consent of the Full Council. A request to move an amendments to a Budget Amendment shall be moved under Rule 10.1.16 as a motion to obtain any consent of the Full Council. If this motion is carried, the proposed amendment may be moved.
- 6.7.1.12 the timeframes set out in this Rule 6.7.1 can be extended by the Chief Executive.

#### 6.7.1 Speaking on the Budget:

- 6.7.2.1 the Leader of the Council or their nominated representative shall propose the Budget. The Proposer of the Budget may speak for up to 15 minutes. Any time not used may be allocated to their Secunder;
- 6.7.2.2 the Secunder of the Budget may speak for up to 5 minutes plus any of remaining time allocated by the mover of the Budget under 6.7.2.1 above;
- 6.7.2.3 the Leaders of the opposition Political Groups shall then be invited by the Mayor to speak in turn, in the order of their respective Political Group size in descending order. Each Leader of an opposition Political Group may speak for up to 10 minutes;
- 6.7.2.4 After being invited to speak, but before commencing speaking on the Budget, if that Leader of an opposition Political Group has an approved Budget Amendment that has been published in accordance with Rule 6.7.1 above, they shall move their Budget Amendment;
- 6.7.2.5 Once each Leader of an opposition Political Group has proposed their Budget Amendment with a Secunder and a debate and vote has taken place, the Leader of the opposition Political Group shall speak to the substantive Budget item (as amended, where the Budget Amendment is passed);

- 6.7.2.6 Once all Political Group Leaders have spoken, the non-aligned Members who have an approved Budget Amendment that have been published in accordance with Rule 6.7.1 above will be invited by the Mayor to propose their Budget Amendment;
- 6.7.2.7 Once all non-aligned Member Budget Amendments have been moved with a Secunder, and a debate and vote has taken place, the Budget item is open for debate to the remainder of Members.

Agenda Papers:

- 6.7.3 The full set of papers for the Budget and Associated Budget items shall be published with the agenda for the Budget Meeting.

Votes:

- 6.7.4 Any vote (including procedural and on amendments) relating to the Budget item must be undertaken by a recorded vote in accordance with Rule 16
- 6.7.5 Section 106 of the Local Government Finance Act 1992 bars a Member from voting on the Budget item if they have an outstanding council tax debt of over two months. If section 106 applies to any Member present at the Budget Meeting, the Member must declare under the declaration of interest item that section 106 applies to them. Failure to comply with this requirement is a criminal offence and a Code of Conduct matter.

## **7. Notice of Motion**

### Scope

- 7.1 A Member may propose a motion on notice for debate by Full Council at an Ordinary Meeting provided it is relevant to some matter in relation to which this Council has powers or duties or which affects the Borough (Notice of Motion).
- 7.2 Members are encouraged to consider whether there is an alternative to submitting a Notice of Motion which will achieve the same outcomes prior to doing so, which may include:
  - 7.2.1 referring the matter to Policy Review and Development Panel for consideration;
  - 7.2.2 requesting the matter be put on the forward work programme for a relevant Council Body; or

- 7.2.3 request that the relevant Portfolio Holder explore the issue and report back to the requesting Member.

#### Notice requirements

- 7.3 A Member who wishes to propose a Notice of Motion must provide such notice of their proposed motion in accordance with this Rule 7.3. The notice shall:-
  - 7.3.1 be in writing and limited to no more than 250 words;
  - 7.3.2 state the motion that the Member desires to move in such a way that it is clear what the Member is proposing;
  - 7.3.3 be delivered to the Chief Executive at least seven clear working days before the date of the meeting of the Ordinary Meeting at which it is proposed to debate the motion;
  - 7.3.4 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; and
  - 7.3.5 not contravene Rule 7.4 below.
- 7.4 A proposed motion will be rejected if in the view of the Chief Executive, or in their absence the Monitoring Officer, or in their absence their deputy, in consultation with the Mayor or Deputy Mayor, the proposed motion:
  - 7.4.1 makes a proposal which would be unlawful, defamatory or frivolous;
  - 7.4.2 does not comply with Rule 7.1;
  - 7.4.3 is substantially the same as a motion which has been put at a Full Council Meeting in the past six months; or
  - 7.4.4 requires the disclosure of confidential or exempt information.
- 7.5 Upon the Chief Executive (or Monitoring Officer or their deputy in the Chief Executive's absence) being satisfied that the proposed motion complies with Rule 7.3, the full text shall be entered as a Notice of Motion in a register of motions, which shall be open to inspection by any Member of the Council or the public. Motions shall be entered in the register in the order in which they are received by the Chief Executive.
- 7.6 A Notice of Motion will be shared with all Leaders of Political Groups, the relevant Portfolio Holder and all relevant Chief Officers.
- 7.7 The Chief Executive shall advise a Member who has submitted a proposed motion that does not comply with this Rule, in what way it fails to do so.

### At the Ordinary Meeting

- 7.8 A Member may alter their own Notice of Motion with the consent of the Full Council. If the alteration is after the seconding of the Motion, then the Secunder must first consent to the alteration. Thereafter, Full Council's consent will be sought and signified without debate.
- 7.9 There will be a maximum time limit of 30 minutes allocated per Notice of Motion with a total of 60 minutes allocated in total for the Notices of Motion item on the agenda. The Mayor may agree to extend and/or vary these times.
- 7.10 Notices of Motion will be listed on the agenda in the order of one per Political Group and non-aligned Member (starting with the largest opposition Political Group and descending to non-aligned Members and ending with the administration Group last, then repeating). Leaders of Political Groups are to confirm the order in which Notices of Motion submitted by Members of their Political Group are to be taken.
- 7.11 Any Notices of Motion that are not moved and/or concluded by the end of the 60 minutes shall roll to the Notice of Motion item at the next Ordinary Meeting and will be listed first before any Notice of Motions listed in accordance with 7.10.
- 7.12 After a formal seconding, and before the debate of any Notice of Motion, the Leader of the Council may propose and the Full Council shall, following debate, decide whether the Notice of Motion notified under this Rule will be:
- 7.12.1 debated by Full Council at a later date;
  - 7.12.2 referred to a specified Council Body for consideration and referred back to Full Council for determination; or
  - 7.12.3 referred to a specified Council Body for determination.
- 7.13 If a Notice of Motion is referred to a Council Body under Rule 7.12, the Proposer of the Notice of Motion shall be permitted to speak in support of the Notice for Motion at the Meeting of the Council Body at which it is debated. If they are a Member of that Council Body the Proposer must consider whether they should vote on the item with reference to the Councillor's Code of Conduct.
- 7.14 If a Notice of Motion is referred to a Council Body under Rule 7.12.2, notwithstanding that Council Body being empowered by the Constitution to make a decision, it will in any event return the matter to Full Council for determination.
- 7.15 If the Proposer of the Notice of Motion is not present at the Ordinary Meeting at which the Notice of Motion appears in the agenda, the Notice of Motion shall be deemed withdrawn.

- 7.16 The Proposer of the Notice of Motion may withdraw the Motion with the permission of the Mayor at the Ordinary Meeting at which the Notice of Motion appears. The request to withdraw shall be made when the Proposer of the Notice of Motion is invited to move their Notice of Motion and the minutes of the Ordinary Meeting shall record that the Notice of Motion was withdrawn.

## **8 Questions to Cabinet Members**

- 8.1 Every Member of the Cabinet shall submit 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.
- 8.2 At the Ordinary Meeting, the Leader of the Council shall move all Cabinet Member reports en bloc and if notified, the Mayor will invite any Cabinet Member to speak who has an update for Full Council on their report since the agenda was published or who requires to correct an error in their report.
- 8.3 A Member of the Council may then, without first giving notice, ask up to a total of four questions of Cabinet Members.
- 8.4 The Member asking the question may indicate to whom they wish to ask their question, however the question will be answered by the Cabinet Member identified to the Mayor by the Leader of the Council (or the Deputy Leader in their absence) as the appropriate responder to the question. If the identified Cabinet Member is not present then it shall be answered in accordance with Rule 8.12.
- 8.5 Questions under Rule 8.3 above must be directly related to:
- 8.5.1 any report submitted to the Council under Rule 8.1;
  - 8.5.2 any other matter within the remit of the Cabinet Member;
- 8.6 The period of time for putting questions and receiving responses under this Rule shall not exceed 60 minutes.
- 8.7 No single question and its response shall exceed a period of 5 minutes.
- 8.8 There shall be no right to a supplementary question.
- 8.9 Questions cannot be asked that would necessitate revealing exempt or confidential information.
- 8.10 The order of putting questions shall commence with a Member from the largest opposition Political Group, proceeding in descending order to the

smallest opposition Political Group, followed by a non-aligned Member and finally a Member from the administration Political Group. This order shall repeat until the time for questions has elapsed or there are no more questions to be put.

- 8.11 The Mayor may disallow, re-direct or postpone any question asked under this Rule.
- 8.12 A Cabinet Member who is asked a question under this Rule may decline to answer it and instead make a written answer which shall be provided to every Member within 5 clear working days of the Ordinary Meeting and included as an attachment to the minutes of the Ordinary Meeting.
- 8.13 Every question arising under Rule 8 shall be asked and answered without debate.
- 8.14 If this item on the Ordinary Meeting agenda has not commenced or completed by the end of the Ordinary Meeting, it shall be deemed as complete on the closing of the Ordinary Meeting. It shall not carry over to the next Ordinary Meeting.

## **9 Questions to Chairs of Council Bodies**

- 9.1 A Member of the Council may, without first giving notice, ask up to a total of two questions of the Chair of any Council Body or Informal Working Group, excluding Cabinet, about the work of that Council Body or Informal Working Group. The number of questions that can be asked by each Member is two in total; not two per Chair.
- 9.2 Questions cannot be asked that would necessitate revealing exempt or confidential information.
- 9.3 The period of time for putting questions and receiving responses under this Rule shall not exceed 20 minutes.
- 9.4 No single question and its response shall exceed a period of 5 minutes.
- 9.5 Every question arising under Rule 9 shall be asked and answered without debate.
- 9.6 There shall be no right to a supplementary question.
- 9.7 If this item on the Ordinary Meeting agenda has not commenced or completed immediately before the end of the Ordinary Meeting, it shall be

deemed commenced and complete on the closing of the Ordinary Meeting. It shall not carry over to the next Ordinary Meeting.

## **10 Motions Without Notice**

- 10.1 Motions may be moved without notice provided that they relate to:
- 10.1.1 the appointment of a Person Presiding if neither the Mayor or Deputy Mayor are present
  - 10.1.2 the accuracy of a minute
  - 10.1.3 the order of item(s) of business
  - 10.1.4 the referral of any matter to an appropriate Council Body for consideration and/or determination including under Rule 7.12
  - 10.1.5 the appointment of Members to position(s) that arises from any item of business on the agenda
  - 10.1.6 the amendment of a motion
  - 10.1.7 permission to withdraw or alter a motion or amendment by the Proposer
  - 10.1.8 permission to extend the length of a speech
  - 10.1.9 a Procedural Closure Motion under Rule 11
  - 10.1.10 an Urgent Motion under Rule 12
  - 10.1.11 a motion to suspend any Standing Orders under Standing Order 2
  - 10.1.12 a motion to exclude the press and public under section 100A and Schedule 12A of the Local Government Act 1972
  - 10.1.13 a motion proposing that a Member, who is named for disorderly conduct under Rule 19 be not further heard or do leave the Full Council Meeting.
  - 10.1.14 a motion that authorises the exercise of any statutory duty or power which in the opinion of the Full Council ought to be exercised as a matter of urgency
  - 10.1.15 that the Meeting continues beyond three hours in duration under Rule 18
  - 10.1.16 a motion to obtain any consent of the Full Council that may be required under these Rules.

- 10.2 The motions moved under Rule 10.1 shall be proposed, seconded and voted on without debate, save where otherwise indicated in these Rules and with the exception of Rules 10.1.4, 10.1.6, 10.1.10, 10.1.11 and 10.1.14, which shall be subject to the usual Rules of Debate.

## **11 Procedural Closure Motions**

- 11.1 The following Procedural Closure Motions may be moved during a debate in order to close the debate:

- 11.1.1 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.

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 or alternatively the motion may be moved by the Mayor.

If such a motion is passed, before any “question” is put to the vote as a consequence, the Mayor shall invite the Member whose substantive motion would be affected to reply to the debate on the Substantive Motion before their motion is put to the vote. If the Secunder reserved their right to speak, they will lose the right to speak.

- 11.1.2 A motion “that the Council proceed to next business”, which, if passed, will cause the Full Council Meeting to proceed to the next item of business without completing the item under debate.

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 this Procedural Motion is put to the vote, the Mayor shall invite only the Member whose motion or amendment would be left undecided to speak on the Procedural Closure Motion.

- 11.1.3 A motion to “adjourn the debate”, which, if passed, postpones further debate on the motion under consideration to a later date.

- 11.1.4 A motion “that the meeting be adjourned”, which, if passed, will result in the Meeting being adjourned to a time later the same day (no more than two hours later than the time of the adjournment) or on another date. Any matter that is being debated but has not been voted on when this motion is passed, plus any other remaining business, will be considered when the Full Council Meeting is reconvened.

- 11.2 Any of the Procedural Motions may be disallowed by the Mayor if they consider the motion to have been moved prematurely so that, if passed, it would operate to curtail proper debate.

## **12 Urgent Motions**

- 12.1 Items of business may be considered at a Full Council Meeting notwithstanding that five clear working days' notice of that business has not been given if in the opinion of the Mayor, special circumstances exist which require that the item should be considered as a matter of urgency. The urgent item of business must have been added to the agenda as soon as reasonably practicable with the agreement of the Mayor, and the Full Council Meeting when convened must, without debate, consent.
- 12.2 Whenever business is transacted in accordance with Rule 12.1, the Mayor 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 Full Council Meeting.

## **13 Rules of Debate**

### Moving a Motion

- 13.1 In these Rules, "the Substantive Motion" means any motion under debate that appears on the agenda or arises from it. Where the motion contains more than one recommendation, all recommendations are to be moved en bloc as one motion unless specified otherwise on the agenda.
- 13.2 The debate of a motion shall begin by the Substantive Motion being proposed. The Proposer of the motion has up to 5 minutes to propose the motion.
- 13.3 After the Proposer has proposed the Substantive Motion, it must be seconded. The Secunder may speak on the motion for up to 5 minutes when they second it or reserve their right to speak later in the debate.

### Debating a Motion

- 13.4 Once the Substantive Motion has been proposed and seconded, it is open for debate and amendment. No Substantive Motion shall be debated or amended unless and until it has been proposed and seconded.
- 13.5 A Member of Full Council (other than the Proposer and Secunder, where the latter exercises their right to speak when seconding) may speak once for up to 5 minutes on the Substantive Motion.
- 13.6 A Member who wishes to speak on the Substantive Motion shall indicate so by raising their hand for the attention of the Mayor and/or Deputy Mayor where

appropriate. The Mayor has full discretion on who to call to speak and in which order.

- 13.7 Members shall speak to the Substantive Motion only. The debate is not a question and answer session.
- 13.8 The Mayor may call the attention of the Full Council to continued irrelevance, tedious repetition and may disallow, re-direct or postpone consideration of any matter raised during the debate.
- 13.9 Subject to a Procedural Closure Motion having been passed, once all those Members wishing to speak have spoken, the Mayor will confirm with the Secunder whether they wish to exercise their right to speak where they have not already done so. The Secunder may speak for up to 5 minutes.
- 13.10 The Mayor shall then invite the Proposer to exercise a right of reply (sum up). The Proposer can speak for up to 5 minutes.
- 13.11 The Substantive Motion then proceeds to the Vote.

### Amendments to Motions

#### Moving an Amendment

- 13.12 Any Member who wishes to propose an amendment to a Substantive Motion which has already been seconded shall make this known to the Mayor. The Mayor will invite the Member to state the exact wording of their proposed amendment.
- 13.13 An amendment to a Substantive Motion shall:
  - 13.13.1 not introduce a new issue
  - 13.13.2 be limited to omitting words from, adding words to or substituting words in the Substantive Motion;
  - 13.13.3 shall not have the effect of negating the substantive motion.
- 13.14 If the Monitoring Officer or their nominated substitute is satisfied that the wording of the proposed amendment complies with Rule 13.13, this will be indicated to the Mayor. If the Monitoring Officer or their nominated substitute is not satisfied the wording complies with Rule 13.13, the Mayor may disallow the amendment and the debate shall return to the Substantive Motion.
- 13.15 If the amendment is compliant with Rule 13.13, the Mayor will invite the Proposer of the amendment to propose and speak on the amendment. The Proposer of the amendment may speak for up to 5 minutes.

- 13.16 The amendment must be seconded. The Secunder may speak on the amendment for up to 5 minutes when they second it or reserve their right to speak later in the debate.
- 13.17 The Proposer and Secunder of the amendment cannot be the Proposer or Secunder of the Substantive Motion. The Proposer of a Substantive Motion may propose to alter the Substantive Motion under Rule 10.1.7.

#### Accepting the Amendment

- 13.18 Once the amendment has been proposed and seconded, the Proposer and Secunder of the Substantive Motion will be asked by the Mayor whether they agree to accepting the amendment. This is not an opportunity for the Proposer and Secunder of the Substantive Motion to speak on the proposed amendment. They shall indicate either 'yes' or 'no' to the Mayor.
- 13.19 If the Proposer and Secunder both accept the amendment, then the Substantive Motion is duly amended without the need to debate or vote on the amendment. The debate then returns to the Substantive Motion (as amended).
- 13.20 If the Proposer and Secunder do not both accept the amendment, then the amendment is open for debate.

#### Debating the Amendment

- 13.21 The Proposer of the Substantive Motion does not have the right to speak on the amendment. They will have the right of reply at the end of the debate on the amendment. The Proposer of the amendment will not have a right of reply or right to sum up at the end of the debate on their amendment.
- 13.22 A Member who wishes to speak on the amendment shall indicate so by raising their hand for the attention of the Mayor and/or Deputy Mayor where appropriate. The Mayor has full discretion on who to call to speak and in which order.
- 13.23 Members must speak to the amendment; not the Substantive Motion.
- 13.24 No amendment to an amendment may be moved. The Mayor shall not permit a further amendment to be moved or debated until a preceding amendment has been dealt with.
- 13.25 The Mayor may call the attention of the Council to continued irrelevance, tedious repetition and may disallow, re-direct or postpone consideration of any matter raised during the debate.

- 13.26 Subject to a Procedural Closure Motion having been passed, once all those Members wishing to speak on the amendment have spoken, the Mayor will confirm with the Secunder of the amendment whether they wish to exercise their right to speak where they have not already done so. The Secunder of the amendment may speak for up to 5 minutes.
- 13.27 The Mayor shall then invite the Proposer of the Substantive Motion to exercise a right of reply (sum up). The Proposer of the Substantive Motion can speak for 5 minutes.
- 13.28 The amendment then proceeds to the Vote.

#### Following the Vote on an Amendment

- 13.29 If an amendment is passed the debate returns to the Substantive Motion (as amended).
- 13.30 If the amendment is not passed the debate returns to the Substantive Motion.

#### Summary of who can Speak

- 13.31 A Proposer of a Substantive Motion may speak:
- 13.31.1 to propose the Substantive Motion for up to 5 minutes
  - 13.31.2 to exercise a right of reply at the close of the debate on the Substantive Motion for up to 5 minutes
  - 13.31.3 to exercise a right of reply at the close of any debate on any amendment to the Substantive Motion for up to 5 minutes
  - 13.31.4 to call for a Point of Order
  - 13.31.5 to call for a Point of Personal Explanation
  - 13.31.6 to move a Motion without Notice under Rule 10
- 13.32 A Member other than the Proposer of the Substantive Motion may speak:
- 13.32.1 to second and/or or speak on the Substantive Motion
  - 13.32.2 to speak on any amendment (including proposing or seconding an amendment, save that the Secunder of the Substantive Motion cannot second an amendment)
  - 13.32.3 to call for a Point of Order

13.32.4 to call for a Point of Personal Explanation

13.32.5 to move a Motion without Notice under Rule 10

## **14 Points of Order**

14.1 A Member may raise a Point of Order if they become aware of any breach of these Rules, the Council's Constitution or the law. The Point of Order must specify which Rule or provision in the Council's Constitution has been breached or the point of law that has arisen. The ruling of the Mayor on a Point of Order, or as to the conduct of the Full Council Meeting, shall not be challenged during that Full Council Meeting.

## **15 Points of Personal Explanation**

15.1 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 another speaker of any part of a statement they have made on the matter under debate.

## **16 Voting**

16.1 Unless otherwise prescribed by statute, decisions will be made by a simple majority of those Members voting and present at the Full Council Meeting at the time the motion is proposed.

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

16.3 Unless a recorded vote or ballot is requested, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the Full Council Meeting.

16.4 A Member of the Council, with the support of at least three other Members, may request to the Mayor immediately before a vote is taken that the vote be recorded to show whether each Member present voted for or against the item or abstained from voting (a recorded vote).

16.5 A ballot may be used where the item relates to the appointment of Members to positions. The results of the ballot shall be included in the minutes of the Full Council Meeting as if it were a recorded vote.

16.6 Where a vote is required on a motion to appoint or elect to a position and there are more candidates than positions, and a ballot is not being used, then for each position the names of the candidates shall be read out to all Members

present and Members will then be invited to indicate their chosen candidate by calling out the chosen candidate's name. The numbers of votes for each candidate shall be read out and the candidate(s) with the most votes shall be appointed.

16.7 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.

16.8 At meetings of a Regulatory Council Body a Member shall not vote on an item unless they have been present at the commencement of the debate on that item and have remained present throughout the totality of the debate.

## **17 Rescinding a Previous Resolution**

17.1 No motion to or which would have the effect to rescind or reverse a Resolution of the Full Council shall be considered by the Council, within a period of six months from the date of that Resolution, unless it is moved with the support in writing by at least seventeen Members of the Council.

17.2 The Resolutions covered by Rule 17.1 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.

17.3 Once a motion has been moved with the support required in Rule 17.1, 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.

## **18 Duration of Full Council Meetings**

18.1 Unless the majority of Members present vote for the Full Council Meeting to continue, any Full Council Meeting that has lasted for 3 hours will adjourn immediately. Remaining business will be carried over to the next Ordinary Meeting.

18.2 The motion for voting to continue a Full Council Meeting above shall be for an extension of the duration of the Full Council Meeting for a period of one hour, unless the Mayor proposes a different period of time. Upon the expiry of this or any other extension, the Full Council Meeting shall adjourn immediately unless the majority of Members vote for a further extension of the Full Council Meeting. Any such motion to further extend the duration of the Full Council Meeting beyond the first extension shall be limited to no more than one hour, as determined by the Mayor.

## **19 Disorderly Conduct**

### Disorderly conduct by Members of the Council

- 19.1 A Member who persistently disregards the ruling of the Mayor, or who behaves irregularly, improperly, or offensively, or who wilfully obstructs the business of any such Full Council Meeting, shall be guilty of disorderly conduct.
- 19.2 If a motion under Council Procedure Rule 10.1.13 is put and passed at a Full Council Meeting, any Member who is so named shall not be heard further in any debate during the remainder of that Full Council Meeting.
- 19.3 If a Member does not comply with a motion that is passed under the Rule above, the Mayor shall:
- 19.3.1 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;
  - 19.3.2 ask the Member to leave the Full Council Meeting room for the remainder of the Full Council Meeting; or
  - 19.3.3 adjourn the Meeting for such period as they think fit.
- 19.4 If a Member does not comply with any motion that is passed under the Rules above, or continues to disrupt a Full Council Meeting that reconvenes after a motion under the Rules above has been passed, the Mayor 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.
- 19.5 The Mayor shall report to the Standards Committee any motion that is passed under the Rules above and any action occurring under the Rules above.

### Disorderly conduct in meetings by members of the public

- 19.6 No member of the public shall interrupt proceedings, behave in a disorderly manner or breach the Protocol relating to the Openness Regulations during a Full Council Meeting.
- 19.7 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 Mayor to stop that behaviour and, if they do not, the Mayor may, without any motion being put or seconded or debated:

- 19.7.1 Adjourn the Full Council Meeting for as long as they consider necessary; and/or,
- 19.7.2 Order such action as is necessary to be taken to remove the offending person from the meeting and prevent their re-entry.

#### General disturbance of any meeting

- 19.8 The Mayor may adjourn a Full Council 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.
- 19.9 Where the Mayor invokes this Rule because of the conduct of any Member of the Council, they may report the matter to the Standards Committee

### **20 Public question time at Ordinary Meetings**

#### Public Question Time

- 20.1 At each meeting of the Council, a period not exceeding 30 minutes shall be allowed for persons not being Members of the Full 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.
- 20.2 The Chief Executive shall not allow any questions that, in their opinion:
  - 20.2.1 relate solely to the questioner or their family
  - 20.2.2 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
  - 20.2.3 relate to specific applications for planning permission or for licences;
  - 20.2.4 relate to individual Members or officers of the Council or an individual member of the public.
- 20.3 Members of the public who wish to ask questions under this Rule must submit them in writing to the Chief Executive before 5pm two clear working days before the day of the meeting at which they are to be put or presented.
- 20.4 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.

20.5 The Chief Executive shall confirm to each person whose question is entered into the register kept in accordance with paragraph 14.4 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
- (d) their position in a list of the persons whose questions have been accepted.

20.6 The questions that may be asked under this Rule shall not appear on the agenda of the meeting at which they are to be asked, but will be published on the Council's website with the agenda papers before the Ordinary Meeting.

20.7 The person who submits a question under this Rule 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. The person who submits the question also has the option of asking their question remotely if they are able to connect to the Meeting and can be heard by the Meeting. The Mayor may suspend the question being asked and/or answered due to the quality of the audio not being sufficient to enable Members to hear, in the opinion of the Mayor.

20.8 A question that is asked under this Rule shall be addressed to the Mayor and shall be answered by any Member 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 clear working 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. A copy of the written answer shall be included as an attachment to the minutes of the Meeting.

20.9 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.

20.10 Any question that is accepted 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 clear working 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. A copy of the written answer shall be included as an attachment to the minutes of the Meeting

- 20.11 Every question shall be asked and answered without there being any debate of that matter by the Council.

## **21 Petitions at Ordinary Meetings**

- 21.1 The Council will accept:

- 21.1.1 paper Petitions either sent or presented to it;
- 21.1.2 online Petitions, using our petition tool on the Council's website;
- 21.1.3 Petitions which are emailed to the Council, 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.

- 21.2 In order to meet the requirements of the Council's Petition scheme, a petition must contain a minimum of 250 signatures.

- 21.3 The Council will not deal with Petitions that:

- 21.3.1 Include a matter which in the Chief Executive's opinion is vexatious, abusive or contains otherwise inappropriate comments e.g. containing swearing or other insults or anything that is false or potentially defamatory.
- 21.3.2 Do not comply with data protection, libel, equalities and anti-discrimination legislation.
- 21.3.3 Concern employment matters for Borough Council staff.
- 21.3.4 For issues, such as planning and licensing decisions or council tax banding and nondomestic rates, there is already an established way for communities to have their say, so these are not included in the Petition scheme.
- 21.3.5 Are substantially the same as a similar Petition considered by the Council in the preceding 12 months.

- 21.4 The Council reserves the right not to take action on:

- 21.4.1 Party political material.
- 21.4.2 Information which may be protected by an injunction or court order.
- 21.4.3 Material which is potentially confidential, commercially sensitive, or which may cause personal distress or loss.
- 21.4.4 Any commercial endorsement, promotion of any product, service or publication.

- 21.4.5 The names of individual officials of public bodies, unless they are part of the senior management of those organisations.
  - 21.4.6 The names of family members of elected representatives.
  - 21.4.7 The names of individuals, or information where they may be identified, in relation to criminal accusations.
  - 21.4.8 Language which is intemperate, provocative, racist, sexist, homophobic etc.
  - 21.4.9 Petitions that are similar to and/or overlap with an existing Petition or Petitions.
  - 21.4.10 Has previously been dealt with as a Petition within the last 12 months.
  - 21.4.11 Statements that don't actually request any action.
  - 21.4.12 Wording that is impossible to understand.
  - 21.4.13 Statements that amount to advertisements.
  - 21.4.14 Petitions which are solely intended to be humorous.
  - 21.4.15 Issues for which Petition is not the appropriate channel (e.g. correspondence about a personal issue).
  - 21.4.16 Freedom of Information or Environment Information requests or requests that may result in a breach of the Data Protection Act 2018.
  - 21.4.17 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.
- 21.5 Where a Petition contains more than 2,500 signatures, the person who presented the Petition or such other person as signatories to the Petition may nominate by agreement ('the Petition Organiser') may request that a relevant Chief Officer attends a meeting of an Overview and Scrutiny Committee relevant to the subject matter of the Petition to give evidence and answer questions. Panel members will ask the questions at the Meeting, but the Petition Organiser will be able to suggest questions to the Chair of the Panel by contacting the relevant Democratic Services Officer at least 2 clear working days before the Meeting.
- 21.6 Where a Petition presented to the Council contains more than 5,000 signatures, it will be debated by Full Council ('the Petition Debate'). The Petition Debate, which will last for a maximum of 30 minutes, will usually take place at the meeting when the Petition is first presented to Full Council, although on some occasions this may not be possible and the Petition Debate will then take place at the following meeting.
- 21.7 If a Petition is required to be debated by full Council under Standing Order 9.3.6 and the Petition Organiser wants to present their Petition to the meeting at

which the Petition Debate will take place, or would like to nominate their Councillor or someone else to present it on their behalf, they should contact the Democratic Services Office at least 10 clear working days before the meeting to arrange this.

21.8 If the Petition Organiser wishes their Petition to be presented to the Petition Debate then, immediately before the Petition Debate, the Petition Organiser (or their nominee) shall be entitled to speak in support of the Petition, for up to 5 minutes. At the conclusion of the Petition Debate a decision will be made on how to respond to the Petition. This could be:

21.8.1 To take the action the Petition requests.

21.8.2 Not to take the action requested for reasons put forward in the Petition Debate.

21.8.3 To commission further investigation into the matter, for example by a relevant panel or committee.

21.8.4 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.

21.9 The Petition Organiser will receive written confirmation of this decision. This confirmation will also be published on the Council's website. (Scheme approved by Council 24 June 2010)

## **END OF COUNCIL PROCEDURE RULES**

**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 behavior 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.

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



# **CONTRACT STANDING ORDERS**

Under Section 135, Local Government Act 1972

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# Part 1 - Application

## Interpretation

1. Cross reference should be made to the definitions table at Schedule 1 where required.
2. These Contract Standing Orders (“CSOs”) have been purposefully drafted so that detailed content is set out in the Schedules rather than the main body of the CSOs. Cross reference should therefore be made to the Schedules where directed.
3. References to “the Council” means the Borough Council of King’s Lynn and West Norfolk.
4. Reference is made throughout these CSOs to Above Threshold and Below Threshold procurements. This denotes above or below the WTO GPA Thresholds set out in Schedule 5. Above Threshold procurements require adherence with the full legislative regime and these CSOs. Below Threshold procurements are not so heavily regulated by the legislation but must be undertaken in accordance with these CSOs.

## Purpose

5. The purpose of these CSOs is to set out the framework which applies to the carrying out of a procurement process and then subsequently awarding and managing a within scope contract for the supply of goods, services or for the execution of works.
6. These CSOs apply and must be complied with whenever the Council intends to spend money (or provide other benefits in kind) under contracts that are within scope for the supply of goods or services or for the execution of works.
7. These CSOs also satisfy section 135 of the Local Government Act 1972 which requires the Council to make standing orders in respect of contracts for the supply of goods, services and for the execution of works to secure competition and regulate the manner in which tenders are invited.
8. The Council must follow the relevant procurement legislation when undertaking a procurement process and subsequently awarding a contract for the supply of goods, services or for the execution of works. Most of the Council’s procurement and contract management activity will fall under either the PCR2015 or, from the Commencement Date, the PA23.
9. Procurements that commence (i.e. via the issue of a tender notice in Schedule 10) after the entry into force of the PA23 on the Commencement Date must be conducted by reference to the PA23 only, whilst those that were commenced under PCR2015 must continue to be procured and managed under those regulations. Any contracts awarded under the PCR2015 will continue to be managed under the PCR2015 until such a time as the contract or commercial tool (i.e. Framework, DPS) ceases to exist.

## Governance Framework

10. These CSOs are part of the Council's Constitution and form an essential part of the Council's Governance Framework. They are an internal control which serve to support the Council's Best Value duty, the protection of public funds, compliance with relevant legislation and delivery of Social Value. Schedule 2 sets out a list of other parts of the Governance Framework relevant to these CSOs.

## Procurement General Principles and Objectives

### 11. PCR 2015 procurements – principles

For all Above Threshold procurements and contracts (awarded under a Framework or DPS) commenced under and subject to the PCR2015, the Council must continue to comply with the procurement principles that underpin that legislation until such time as the contract, or commercial tool (i.e. Framework, DPS) ceases to exist, in particular the principles of equal treatment, non-discrimination, transparency, and proportionality. This includes for any modifications and requirements for subsequent notices to be published on the relevant platform.

### 12. PA 23 procurements – objectives

For all Above Threshold procurements and contracts (under a Framework or DM) that commence on or after the Commencement Date, the Council must:

- 12.1 not discriminate against suppliers and shall treat suppliers the same unless a difference between the suppliers justifies different treatment (in which case the Council must take all reasonable steps to ensure it does not put a supplier at an unfair advantage or disadvantage);
- 12.2 have regard to the fact that small and medium-sized enterprises may face particular barriers to participation and consider whether such barriers can be removed or reduced;
- 12.3 have regard to the National Procurement Policy Statement;
- 12.4 have regard to the importance of:
  - 12.4.1 delivering value for money;
  - 12.4.2 maximising public benefit;
  - 12.4.3 sharing information for the purpose of allowing suppliers and others to understand the Council's procurement policies and decisions; and
  - 12.4.4 acting, and being seen to act, with integrity.

### 13. General Principles and Objectives

Whilst the statutory principles and objectives set out at CSOs 11 & 12 apply to Above Threshold procurements only, the Council will seek to apply relevant and proportionate objectives and principles via its Procurement and Contract Management Strategy to Below

Threshold procurements as well. For all procurements and contracts irrespective of their value, the Council will also ensure they:

- 13.1 support the Council's Best Value duty;
  - 13.2 support the delivery of the Corporate Strategy;
  - 13.3 comply with all legal requirements;
  - 13.4 where relevant and proportionate, deliver Social Value.
14. These CSOs should be read in conjunction with the Council's Procurement and Contract Management Strategy for additional information on how the Council will seek to meet these principles and objectives.

## Part 2 - Procurements

### Contract Types

15. The contract types the Council usually procures are for goods, services or works.
16. Different procedures apply under the PA23 for the following types of contract and the P&CMT must always be consulted in relation to these prior to commencing a procurement:
- 16.1 Light-touch contracts – i.e. a contract for the supply of certain social, health, education and other public services and subject to more flexible rules under the PA23 and associated regulations.
  - 16.2 Concession contracts – i.e. a contract where the supplier receives at least part of their remuneration from users of the works or services they are providing and the contract complies with the other legal aspects of being a public concession contract.
17. Those contracts that fall within the Out of Scope Arrangements at Schedule 3 will not be covered by these CSOs but such contracts must still support the Council's Best Value duty, support the delivery of the Corporate Strategy and comply with all legal requirements.

### Estimating the Contract Value and Lots

18. The contract value must be estimated before commencing a procurement to determine whether the contract is Above Threshold or Below Threshold and in turn determine which procurement method in Schedule 7 to follow. If the contract value is underestimated there is a risk of non-compliance with these CSOs and the legislative regime.
19. The contract value must be estimated in accordance with this CSO, Schedule 4 and Schedule 5. Where the estimated contract value is within 10% of a threshold set out in Schedule 5, the P&CMT must be consulted prior to commencing a procurement to determine the most appropriate procurement method.

20. If one or more quotes are returned after following the Multiple Quotes Procurement Method that exceed the relevant Internal Control Thresholds, the P&CMT must be consulted before any quote is accepted.
21. Where a contract value is unknown or cannot be estimated then the contract is to be treated as being Above Threshold and the applicable rules under these CSOs and the legislative regime must be followed.
22. The Council must not provide an unfair advantage to potential suppliers when estimating the contract value. Preliminary market engagement must be considered where the estimated contract value is not readily identifiable.
23. Once a contract value has been estimated it is necessary to determine which threshold and rules apply in accordance with WTO GPA Thresholds set out in Schedule 5 and the Internal Control Thresholds set out in Schedule 6.

## Preliminary Market Engagement

24. Where relevant and proportionate to do so, preliminary market engagement is permitted and encouraged with the intention of informing the procurement process and potential suppliers.
25. Preliminary market engagement brings the contract opportunity to the attention of the market prior to the commencement of a formal procurement process and can help:
  - 25.1 develop the Council's requirements and approach to the procurement;
  - 25.2 design a procedure, conditions of participation or award criteria;
  - 25.3 prepare the tender documents;
  - 25.4 identify suppliers that may be able to supply the goods, services or works required;
  - 25.5 identify likely contractual terms; and
  - 25.6 build capacity among suppliers in relation to the contract being awarded
26. When carrying out preliminary market engagement, the Council must take steps to ensure that suppliers participating are not put an unfair advantage or disadvantage and competition in relation to the award of the contract is not otherwise distorted.
27. Preliminary market engagement must be undertaken in conjunction with the P&CMT.
28. Prior to any preliminary market engagement for an Above Threshold procurement, a pre-market engagement notice must be published.
29. Preliminary market engagement may include, events, consultations with suppliers and other forms of market research, but must not:
  - 29.1 use this phase to shortlist or pre-qualify suppliers; it is only an engagement exercise;
  - 29.2 base any specification on one supplier's capability or offering such as to distort competition;
  - 29.3 make any indication or commitment to suppliers that their capability or offering may be preferred by the Council;
  - 29.4 provide any of the Council's information to one supplier that is not available to every other supplier; or
  - 29.5 enter into negotiations about any form of delivery or price where a competitive procurement process has yet to take place.

30. Any preliminary market engagement carried out, including discussions with the market, is to be undertaken in accordance with the relevant principles and objectives set out in CSOs 11-13 above and be fully documented on file and relevant information shared as appropriate.

## Authorisation

31. The appropriate authorisation and approved budget to commence the procurement, enter into a contract or extend or vary a contract must be in place under the Governance Framework.

## Procurement Method

32. Different procurement methods apply depending on the estimated contract value. The different methods are as follows: Minimum Quote Process, Multiple Quote Process, Below Threshold Tender and Above Threshold Tender.
33. Full details of each procurement method are set out in Schedule 7.
34. A procurement method can be used that would apply to a higher estimated contract value where this is preferred.

## Frameworks

35. Frameworks can be used to procure the supply of goods, services or for the execution of works, particularly where the Council anticipates need over a period of time but has no certainty as to the extent it may require.
36. The Council may set up its own Framework in accordance with the relevant procurement legislation.
37. Contracts based on Frameworks established under the PCR2015 need to be awarded in accordance with the rules in the PCR 2015 and the specific requirements of the relevant Framework.
38. Contracts based on Frameworks established under the PA23 need to be awarded in accordance with the rules in the PA23 and the specific requirements of the relevant Framework. The PA23 provides for both:
  - 38.1 public sector closed frameworks with a standard maximum period of 4 years; and
  - 38.2 open frameworks with a maximum period 8 years which can be opened for new suppliers to join at defined points in time.
39. The use of a Framework set up by a third party may be used where the Council is permitted to use the third party Framework and where the use of the third party Framework has been approved by the P&CMT.
40. All call-offs from a Framework must be in accordance with the terms of that Framework, and must be properly completed and recorded on the Contracts Register.

## Dynamic Markets

41. DMs have been introduced under the PA23. A DM functions as a standalone qualification tool, which creates a pre-qualified pool of suppliers, that meet the specified conditions for membership for that particular DM (or part of it).
42. The Council is permitted to award an Above Threshold contract by reference to suppliers' participation in an appropriate DM when using the competitive flexible procedure. By doing so, the Council limits participation in the procurement procedure to members of that specific DM. As a DM is only relevant when awarding a contract using a competitive flexible procedure, the contract must be awarded by way of competitive tender. A DM can only be used for the award of an Above Threshold contract.
43. The P&CMT must be consulted prior to setting up a DM or seeking to procure a contract by reference to a DM.

## Dynamic Purchasing Systems

44. DPSs were introduced by the PCR2015. Any DPS established under the PCR2015 must come to an end as set out when they were established, or by 23 February 2029 whichever is earlier.
45. A DPS is a procedure available for contracts for works, services and goods commonly available on the market. As a procurement tool, it has some aspects that are similar to an electronic framework agreement, but where new suppliers can join at any time. It is to be run as a completely electronic process and must be set up using the restricted procedure and some other conditions (as set out in Regulation 34, PCR 2015).
46. From the Commencement Date, a DPS cannot be used but current contracts awarded under them will continue until their expiry. The P&CMT must be consulted prior to using a DPS.

## Direct Award (Exemptions)

47. Direct awards to a single supplier means there has been an absence of competition. Accordingly, they must only occur in accordance with these CSOs and where applicable, as permitted under the relevant legislative regime.
48. Direct awards can only be made in accordance with Schedule 8 (Direct Awards for Above Threshold Contracts) or Schedule 9 (Direct Awards for Below Threshold Contracts).
49. All Direct Awards must be approved by the Procurement and Contracts Manager, the relevant non-statutory Chief Officer, the Monitoring Officer and the Chief Finance Officer.

## TUPE

50. The Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) may apply when an employee of the Council or of a supplier providing a service to the Council may be affected because of a change in the service provider. Where TUPE may apply, the Monitoring Officer must be consulted with a response provided before the procurement is commenced.

## Specification

51. Every Multiple Quote Process and tender must have a written specification setting out a comprehensive description of the requirements of the contract including the timings of when deliverables must be met.
52. The Council must ensure the specification for contracts in Above Threshold tenders, including all references to standards and qualifications, complies with the relevant legislation on technical specifications.

## Award Criteria

53. Every Multiple Quote Process and Tender will be evaluated in accordance with the award criteria set out in the procurement documents.
54. The contract award criteria may include a price-quality ratio, assessed on the basis of qualitative, environmental and/or social value aspects, linked to the subject matter of the contract in question.
55. The key requirements of the award criteria are that they:
  - 55.1 relate to the subject-matter of the contract;
  - 55.2 are sufficiently clear, measurable and specific;
  - 55.3 link with the statutory rules on technical specifications where relevant; and
  - 55.4 are a proportionate means of assessing quotes/tenders having regard to the nature, complexity and cost of the contract.
56. The P&CMT will provide recommendations on inclusion of Social Value award criteria in tenders, where this is relevant and proportionate to the nature of the contract.

## Evaluating Bids and Contract Award

57. Above Threshold contracts must be awarded as follows:
  - 57.1 if procured under the PA23, then on the basis of the most advantageous tender;
  - 57.2 if procured under the PCR2015, then on the basis of the most economically advantageous tender; and
  - 57.3 if procured under the PSR23, then in consultation with the P&CMT who will advise on the legislative basis for award.
58. Below Threshold contracts and Multiple Quotes Process contracts shall be awarded on the basis of the most advantageous tender.
59. The Council will follow the framework set out in section 19 of the Procurement Act 2023 with regards to disregarding any quote or tender.
60. Any due diligence checks must be undertaken in accordance with Part 3 – Due Diligence before awarding the contract.
61. Decisions on evaluating tender bids shall be recorded, to include the identity of the decision-maker, the scores and rationale of how the evaluation criteria was applied, the reasons for the decision and any declared conflicts of interest.

62. The Council is not obliged to accept any quote or tender and may terminate any procurement process it has commenced at its own discretion and at any time before a contract is entered.
63. If a tender is submitted after the deadline for receiving tenders has passed, the Council must not accept this tender unless it can justify why it should provide different treatment to that bidder and this is approved by the Procurement and Contracts Manger, the relevant non-statutory Chief Officer and the Monitoring Officer. Any decision to accept a late tender can only be made before evaluation of the other tenders has commenced and cannot be taken where any prejudice has been caused to the other bidders over and above the additional time permitted.
64. If it is considered that a bidder has made a genuine typographical error in their tender, the Council may afford that bidder an opportunity to correct their error. However, this decision must be approved by the Procurement and Contracts Manger, the relevant non-statutory Chief Officer and the Monitoring Officer and in accordance with the principles and objectives at CSOs 11-13.

## Part 3 – Due Diligence

### Conflicts of Interest

65. The Council must ensure that duties relating to Conflicts of Interest under the applicable procurement legislation are met for all procurements. Specifically, for Above Threshold procurements subject to the PA23, the Council must:
  - 65.1 take all reasonable steps to identify, and keep under review any actual or potential conflicts of interest;
  - 65.2 take all reasonable steps to ensure that a conflict of interest does not put a supplier at an unfair advantage or disadvantage in relation to the procurement;
  - 65.3 where any such unfair advantage cannot be avoided or the supplier will not take steps that the Council considers are necessary in order to ensure it is not put at an unfair advantage, exclude the supplier from the procurement; and
  - 65.4 before publishing a tender notice or transparency notice for the procurement, prepare a conflicts assessment in relation to the procurement and keep this under review and revise the assessment as necessary.
66. For Above Threshold procurements and contracts subject to the PA23, the Council must also comply with the requirements in relation to conflicts assessments, namely:
  - 66.1 a conflicts assessment must be prepared prior to publishing a tender or transparency notice;
  - 66.2 a conflicts assessment must include details of the actual or potential conflict identified and any steps the Council has or will take to mitigate that conflict;
  - 66.3 where the Council is aware of circumstances that it considers are likely to cause a reasonable person to wrongly believe there to be a conflict or potential conflict, the conflicts assessment must include details of any steps the Council has taken or will take to demonstrate no such conflict or potential conflict exists;
  - 66.4 the Council must keep any conflict assessments under review and revise as necessary; and
  - 66.5 the Council must when publishing any Relevant Notice confirm that a conflicts assessment has been prepared and revised in accordance with section 83 of the PA23.

## Exclusion and Debarment

67. Bidders invited to participate or those bidders that have submitted bids for tenders will be reviewed against the Debarment List after the Commencement Date.
68. An individual assessment will be made on whether the bidder must be excluded on a mandatory basis or could be excluded on a discretionary basis.
69. All decisions made in relation to exclusion & debarment are to be taken by an officer in the P&CMT.
70. If the Council decides to exclude a supplier from a procurement in accordance with the PA23, this will be notified to the appropriate authority which could result in the supplier's name being included on the publicly available Debarment List.

## Due Diligence Checks

71. It is a requirement that for Above Threshold procurements, a contract award is made subject to the supplier satisfying a Financial Due Diligence Assessment. The Chief Finance Officer determines whether the supplier has satisfied the Financial Due Diligence Assessment. The Financial Due Diligence Assessment will include an appraisal of the supplier's financial capacity to perform the contract and whether appropriate risk mitigations can be put in place to address any identified issues with suppliers' financial capacity.
72. As part of due diligence checks for Above Threshold procurements, the Council may set conditions of participation but in doing so must ensure they:
  - 72.1 only relate to the supplier's legal and financial capacity and/or technical ability to perform the contract;
  - 72.2 are a relevant and proportionate means of ensuring the supplier's relevant capacity or ability, having regard to the nature, complexity and cost of the contract to be delivered; and
  - 72.3 for Above Threshold contracts, they comply with section 22 of the PA23 or regulation 58 of the PCR2015.
73. Consideration must be taken as to the necessity or otherwise around seeking a bond or parent company guarantee based on strategic risk where the estimated contract value is over £1m. If one of these forms of security is deemed a requirement then this must be specified in the published procurement documents.
74. Insurance requirements shall be proportionate to the contract value but in no case shall provide cover of less than £500,000 for a single claim event unless authorised by the Chief Finance Officer. The Council is not permitted to require insurance relating to the performance of the contract to be in place before the award of the contract.
75. Other relevant and proportionate forms of due diligence can form part of the requirements for Below Threshold procurements before contract award so long as these are specified in the published procurement documents. These requirements will not serve to restrict the submission of tenders or quotes but will be taken into account on contract award.

76. In setting due diligence requirements regard must be had to the barriers SMEs may face to participation and the Council must consider if those barriers can be removed or reduced.

## **Part 4 - Contracts**

### **Contract Completion**

77. Contracts shall be completed in accordance with Schedule 7.

78. Contracts can be completed using an electronic signature but only through the Council's contracted e-signature provider and certificates of completion must be retained with the contract documents.

79. All contract formalities must be concluded before the supply of goods or services or the carrying out of works begin, bar in exceptional circumstances with the written approval of the Monitoring Officer. All related parent company guarantees and/or bonds must be completed and received before the contract commences bar in exceptional circumstances with the written approval of the Monitoring Officer.

80. The officer responsible for securing signature of the contract must ensure that the person signing for the other contracting party has authority to bind it. Cases where this is uncertain must be referred to the Monitoring Officer.

### **Contract Extensions and Variations**

81. Above Threshold contracts can only be extended or modified in accordance with the relevant procurement legislation and Schedule 8. A request to extend, vary or modify must be referred to the Monitoring Officer and the P&CMT to be authorised.

82. Below Threshold contracts can only be extended if the original contract includes an option to extend the initial term or in accordance with category 4 of Schedule 9. Authorisation must also be in place under the Governance Framework. Confirmation of the extension must be kept with the contract documents. A written variation to the contract to enable the extension must be retained with the contract documents.

83. Below Threshold contracts can only be modified where this does not substantially alter the nature of the contract. Authorisation must also be in place under the Governance Framework. A written variation to the contract must be retained with the contract documents.

### **Contract Management Notices**

84. The Council must ensure that all notices at Schedule 10 in relation to contract management under the PA23 are complied with.

### **Contract Management Procedures**

85. Service areas of the Council are responsible for effective contract management of all contracts in their area and shall ensure that at least one officer is designated as the officer

responsible for the management of each ongoing contract.

86. Where a contract is a corporate contract, i.e. relates to more than one service area of the Council, then the P&CMT will confirm which service area shall take primary responsibility for the management of the contract in consultation with the Monitoring Officer and relevant non-statutory chief officer.

87. Contract management involves:

- 87.1 monitoring performance against the procurement documents (including specification and the bid/quote) plus the contract, to include monitoring KPIs where included in the contract
- 87.2 production and retention of performance data where relevant and proportionate
- 87.3 addressing poor performance where identified
- 87.4 monitoring spend and forecast spend against the contract price and/or approved budget
- 87.5 assessing and monitoring risks
- 87.6 ensuring Social Value is delivered where this forms part of the contract
- 87.7 repeating due diligence checks where necessary
- 87.8 monitoring for grounds of debarment and exclusion
- 87.9 developing, and maintaining an effective relationship with the supplier by way of regular minuted meetings, communication and provision of feedback
- 87.10 consideration of any other stakeholder engagement where relevant to managing the contract
- 87.11 ensuring the effective ongoing administration of the contract to ensure the required outputs/outcomes are achieved to maximise benefit for the Council
- 87.12 seeking to achieve Best Value throughout the term of the contract, including by way of agreed modifications to the contract
- 87.13 to escalate disputes at the appropriate stage to the P&CMT and the Monitoring Officer
- 87.14 compliance with these CSOs and the relevant legislation in relation to any extensions and/or variations to a contract, which must only be undertaken in consultation with the P&CMT for contracts over £25,000.

88. The Council will require adherence to a contract management plan by suppliers where relevant and proportionate.

## **Review and Amendment**

89. These CSOs will be reviewed annually in January by the Monitoring Officer.

90. The Monitoring Officer may make technical amendments from time to time to make these CSOs consistent with changes to the legislative frameworks or the Governance Framework, after consulting with the Chief Finance Officer and the P&CMT.

## SCHEDULE 1 – DEFINITIONS

<b>“Above Threshold”</b>	means, as the context requires: procurements, tenders, contracts, procedures, methods and/or processes that apply where the procurement or contract in question is at or above the WTO GPA Threshold
<b>“Above Threshold Tender”</b>	means the procurement process of securing competition via a tender for Above Threshold contracts in accordance with Schedule 6 and 7 of these CSOs
<b>“Advertised”</b>	<p>means:</p> <p>for Below Threshold tenders:</p> <ul style="list-style-type: none"> <li>• Under PCR2015 tenders will be advertised on the Contracts Finder and the Council’s website</li> <li>• Under PA23 tenders will be advertised on the Central Digital Platform and the Council’s website</li> </ul> <p>for Above Threshold tenders:</p> <ul style="list-style-type: none"> <li>• Under PCR2015 tenders will be advertised on the Find a Tender Service, GOV.UK Contracts Finder and the Council’s website</li> <li>• Under PA23 tenders will be advertised on the Central Digital Platform and the Council’s website</li> </ul>
<b>“Below Threshold”</b>	means, as the context requires: procurements, contracts, procedures, methods and/or processes that apply where the procurement or contract in question is below the WTO GPA Threshold
<b>“Below Threshold Tender”</b>	means the procurement process of securing competition via a tender for Below Threshold contracts in accordance with Schedule 6 and 7 of these CSOs
<b>“Best Value”</b>	means the duty on the Council under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness
<b>“Central Digital Platform”</b>	The online system established by the UK Government Cabinet Office where tender opportunities are advertised, Notices are published and suppliers can submit core information for procurements and contracts that fall under the PA23.
<b>“Chief Finance Officer”</b>	Means the officer appointed by the Council under section

	151 of the Local Government Act 1972 or their deputy
<b>“Commencement Date”</b>	means the commencement date for the new Procurement Act 2023; this being 24 February 2025 or such other extended date that central government sets;
<b>“Conflicts of Interest”</b>	means a situation where there is a conflict between the interests of a person acting in relation to a procurement and those of the procurement itself including the circumstances set out in Part 5 PA23;
<b>“Constitution”</b>	means the Council’s current constitution adopted under section 9P of the Local Government Act 2000
<b>“Contracts Finder”</b>	A publicly accessible online platform for the publication of procurement opportunities and awarded contracts over £25,000 established by the UK Government under PCR2015 (being replaced by the Central Digital Platform for procurements and contracts under the PA23)
<b>“Contracts Register”</b>	means the centralised record maintained by the Council of all contracts entered into over £5,000
<b>“Debarment List”</b>	means the list created by a Minister of the Crown providing details of suppliers which, following an investigation, are considered excluded or excludable suppliers;
<b>“DM”</b>	means a dynamic market as referred to in Part 2 of these CSOs
<b>“DPS”</b>	means a dynamic purchasing system as referred to in Part 2 of these CSOs
<b>“Financial Due Diligence Assessment”</b>	means the processes and tools used by the Council for objectively assessing evidence it requires for verifying conditions of participation for the financial capacity to perform the contract
<b>“Find a Tender Service”</b>	A publicly accessible online platform for the publication of Above Threshold procurement opportunities and awarded contracts established by the UK Government under PCR2015 (being replaced by the Central Digital Platform for procurements and contracts under the PA23)
<b>“Framework”</b>	means a contract between a contracting authority and one or more suppliers that provides for the future award of contracts by a contracting authority to the supplier or suppliers
<b>Governance Framework</b>	means, as the context requires, the parts of the Constitution and Council policies referred to at Schedule 2

<b>“Internal Control Thresholds”</b>	means the Council’s thresholds as set out in Schedule 6 of these CSOs
<b>“Minimum Quote Process”</b>	means the procurement process of obtaining at least one written quote in accordance with Schedule 6 and 7 of these CSOs
<b>“Monitoring Officer”</b>	means the officer appointed under section 5 of the Local Government and Housing Act 1989 or their deputy
<b>“Multiple Quotes Process”</b>	means the procurement process of obtaining quotes from multiple suppliers in accordance with Schedule 6 and 7 of these CSOs
<b>“Notice(s)”</b>	means the notices listed at Schedule 10
<b>“P&amp;CMT”</b>	means the Council’s procurement and contract management team
<b>“PA23”</b>	means the Procurement Act 2023
<b>“PCR2015”</b>	means the Public Contracts Regulations 2015
<b>“Procurement Method”</b>	means the methods of procurement set out in Schedule 7
<b>“PSR23”</b>	means the Health Care Services (Provider Selection Regime) Regulations 2023
<b>“Relevant Notice”</b>	<p>means the notices set out in section 83 of the PA 23 in which the Council must confirm that a conflicts assessment has been prepared and revised, namely:</p> <p>(a) a tender notice,</p> <p>(b) a transparency notice,</p> <p>(c) a DM notice in relation to the establishment of a DM,</p> <p>(d) a contract details notice relating to an Above Threshold contract, or</p> <p>(e) a contract change notice;</p>
<b>“Social Value”</b>	means the duty under the Public Services (Social Value) Act 2012 and as set out in the Council’s Social Value Policy
<b>“WTO GPA Threshold”</b>	means the World Trade Organisation Government Procurement Agreement which governs the statutory thresholds for an Above Threshold contract as set out in Schedule 5



## **SCHEDULE 2 – GOVERNANCE FRAMEWORK**

These CSOs link with the following parts of the Council's published Governance Framework:

1. The approved budget
2. The Council's Annual Governance Statement issued under the Accounts and Audit Regulations 2015
3. Procurement and Contract Management Strategy
4. Financial regulations in the Constitution
5. Standing orders in the Constitution
6. Corporate Strategy
7. Anti-fraud and Corruption Strategy
8. Anti-Money Laundering Policy
9. Whistleblowing Policy
10. Risk Management Policy and Risk Management Strategy
11. Councillor's Code of Conduct
12. Officer Code of Conduct
13. Scheme of Delegation in the Constitution
14. Social Value Policy
15. Equality Policy

### **SCHEDULE 3 – OUT OF SCOPE ARRANGEMENTS**

The following arrangements are exempted contracts and out of scope for the purposes of these CSOs except where specified:

#### **Counterparty exempted contracts**

- 1.1 Horizontal Arrangements (e.g. contracts between contracting authorities where the arrangement is intended to achieve common goals in connection with the exercise of their public functions, the arrangement is solely in the public interest and no more than 20% of the activities envisaged by the arrangement are intended to be carried out for reasons other than for the purpose of their public functions);
- 1.2 Vertical Arrangements (e.g. a contract between a contracting authority (or two or more contracting authorities acting together) with a person over which the contracting authority owner has a form of control);

#### **Subject matter exempted contracts**

- 1.3 acquisitions and disposals of land or buildings unless related to a contract for works, services or supplies;
- 1.4 a contract for the lending of money in any currency to the Council and for the provision or carrying out of an investment service or activity, or of an ancillary service, in relation to a financial instrument by an investment firm or a qualifying credit institution;
- 1.5 where the Council instructs external legal representatives to represent, advise or act on its behalf in relation to litigation, including alternative dispute resolution;
- 1.6 contracts for the purpose of research & development only;
- 1.7 contracts of employment; and
- 1.8 other exemptions referred to in Schedule 2 of the PA23 or Regulation 10 of the PCR2015.

#### **Other contracts**

In addition, the following arrangements are out of scope from these CSOs:

- 1.9 delegation of functions to another local authority under section 101 of the Local Government Act 1972
- 1.10 where the Council is providing a financial support payment to a resident or service user
- 1.11 grants the Council has awarded to third parties
- 1.12 where the Council is participating in a multi-authority procurement and another local authority is the lead partner

## SCHEDULE 4 – ESTIMATING CONTRACT VALUE

These factors are to be taken into account when estimating the value of a contract:

- a. where estimating the value of two or more contracts and the goods, services or works to be supplied under those contracts could reasonably be supplied under a single contract then the Council must estimate the value of each of the contracts as including the value of all of the contracts, unless the Council has good reasons not to do so (also referred to as 'aggregation');
- b. estimate the maximum amount the Council could expect to pay under the contract including where applicable amounts already paid and which could be paid for the same nature and category of work over the foreseeable future. This could include:
  - i. the value of any goods, services or works provided by the Council under the contract other than for payment;
  - ii. amounts that would be payable if an option in the contract to supply additional goods, services or works were exercised;
  - iii. amounts that would be payable if an option in the contract to extend or renew the term of the contract were exercised;
  - iv. amounts representing premiums, fees, commissions or interest that could be payable under the contract;
  - v. amounts representing prizes or payments that could be payable to participants in the procurement.
- c. the P&CMT is to be consulted to assist in estimating future contract need in the same nature and category of the contract being valued where this is a factor in the calculation of the value of the contract (also referred to as aggregation);
- d. take into account all of the facts which are material to the estimate and available to the Council at the time it makes the estimate;
- e. treat the contract as being Above Threshold where it is not possible to estimate a contract value;
- f. calculations are to be exclusive of VAT save for contracts where the estimated value is above the WTO GPA Threshold which shall be inclusive of VAT;
- g. where the contract is one where no payment is made by the Council (e.g. a concession), estimate the value of a concession contract as the maximum amount the supplier could expect to receive under or in connection with the contract, including where applicable, amounts already received;
- h. where establishing a Framework, the Council must estimate the value of a Framework as the sum of the estimated values of all the contracts that have or may be awarded in accordance with that Framework;
- i. where the Council is the lead authority for a joint Procurement, the total value of the opportunity must also include the amount which relates to other participants;
- j. not calculate the estimated contract value in a way that is designed to avoid exceeding the WTO GPA Thresholds or Internal Control Thresholds;

Note, no contract can be 'rolling', i.e. no end date. The total length of a contract cannot exceed 10 years.

## SCHEDULE 5 – WTO GPA THRESHOLDS

1. This Schedule contains the applicable WTO GPA Thresholds as of 1 January 2024. The WTO GPA Thresholds are updated every two years.
2. If VAT does not apply or a lower rate of VAT applies to the contract then this must be verified with the Chief Finance Officer before commencing the procurement.
3. WTO GPA Thresholds:

Category	Previous amount (incl VAT)	Previous Amount (excl VAT) assuming VAT 20%	New amount (incl VAT)	New Amount (excl VAT) assuming VAT 20%
<b>Supplies and Services</b>	£213,477.00	£177,897.50	£207,710.00	£173,091.00
<b>Works Contract</b>	£5,336,937.00	£4,447,447.50	£5,193,000.00	£4,327,500.00
<b>Light Tough Regime</b>	£663,540.00	£552,950.00	Unchanged	Unchanged
<b>Concession Contracts</b>	£5,336,937.00	£4,447,447.50	£5,193,000.00	£4,327,500.00
<b>Health Care Services – PSR23</b>	£0	£0	£0	£0

4. The WTO GPA Thresholds will be updated by the Monitoring Officer when there are statutory updates.

**SCHEDULE 6 – INTERNAL CONTROL THRESHOLDS**

ALL FIGURES ARE EXCLUDING VAT	Minimum Quote Process £	Multiple Quote Process £	Below Threshold Tender £	Above Threshold Tender £
<b>Goods and Services</b>	0.00 – 20,000.00	20,000.01- 75,000.00	75,000.01 – up to Statutory Threshold	Statutory Threshold and above
<b>Works Contract</b>	0.00 - 35,000.00	35,000.01- 250,000.00	250,000.01 – up to Statutory Threshold	Statutory Threshold and above
<b>Light Touch Regime</b>	0.00 - 35,000.00	35,000.01 – 100,000.00	100,000.01 – up to Statutory Threshold	Statutory Threshold and above
<b>Concession Contracts</b>	0.00 - 35,000.00	35,000.01- 250,000.00	250,000.01 – up to Statutory Threshold	Statutory Threshold and above
<b>Health Care Services - Provider Selection Regime</b>	0.00 – 20,000.00	20,000.01- 75,000.00	75,000.01 – up to 173,091.00	173,091.00 and above

**SCHEDULE 7 – PROCUREMENT AND CONTRACT METHODS**

	<b>Procurement Method</b>	<b>Who carries out the Procurement</b>	<b>Who evaluates and takes decision</b>	<b>Record decision</b>	<b>Contract Options</b>	<b>Contract Completion</b>	<b>Contract Retention</b>	<b>Transparency</b>
170	<b>Minimum Quote Process</b>	Procuring officer	Procuring officer	Procuring Officer choice	Purchase order OR Council standard contract OR Professional contract (e.g. JCT, NEC) OR Supplier contract with Monitoring Officer approval OR Bespoke contract with Monitoring Officer approval OR If Framework used then a call-off contract under	(where purchase order not used)  Signed by Assistant Director (can be delegated for contracts £25,000 or below)  Hardcopy or e-signature OR If a deed then by sealing through Legal services	In service area shared area  AND By P&CMT and Legal services (procuring officer responsibility to send a copy of written contract)	Spend over £500 published online  No Notices  Contracts Register over £5,000

	Procurement Method	Who carries out the Procurement	Who evaluates and takes decision	Record decision	Contract Options	Contract Completion	Contract Retention	Transparency
					the Framework agreement			
Multiple Quote Process 171	<p>1. Request for Quotation (RFQ) At least 3 quotes sought</p> <p>RFQ to be issued by email or via the e-Procurement platform *</p> <p>2. A Framework or DPS (latter for old regime only)</p> <p>3. A Direct Award where expressly permitted under Schedule 9 of these CSOs</p>	Procuring officer with approval from a P&CMT officer of RFQ before issue where contract value over £25,000	Procuring officer with approval from a P&CMT officer before decision on successful bidder where contract value over £25,000 or where 3 quotes were not received (P&CMT may require further quotes to be obtained)	Yes	<p>Council standard contract</p> <p>OR</p> <p>Professional contract (e.g. JCT, NEC)</p> <p>OR</p> <p>Supplier contract with Monitoring Officer approval</p> <p>OR</p> <p>Bespoke contract with Monitoring Officer approval</p> <p>OR</p> <p>If Framework used then a call-off contract under the Framework agreement</p>	<p>Signed by Assistant Director (not to be delegated over £25,000)</p> <p>Hardcopy or e-signature</p> <p>OR</p> <p>If a deed then by sealing through Legal Services</p>	<p>In Service area shared area</p> <p>AND</p> <p>By P&amp;CMT and Legal services (procuring officer responsibility to send a copy of written contract)</p>	<p>Spend over £500 published online</p> <p>Contracts Register</p> <p>No Notices</p>

	Procurement Method	Who carries out the Procurement	Who evaluates and takes decision	Record decision	Contract Options	Contract Completion	Contract Retention	Transparency
172	<p><b>Below Threshold Tender</b></p> <p>1. Advertised Tender through a competitive tendering procedure via the e-procurement platform</p> <p>2. A Framework or DPS (latter for old regime only)</p> <p>3. A Direct Award where expressly permitted under Schedule 9 of these CSO</p>	A P&CMT officer in consultation with procuring officer	A P&CMT officer in consultation with procuring officer	Yes	<p>Council standard contract</p> <p>OR</p> <p>Professional contract (e.g. JCT, NEC)</p> <p>OR</p> <p>Supplier contract with Monitoring Officer approval</p> <p>OR</p> <p>Bespoke contract with Monitoring Officer approval</p> <p>OR</p> <p>If Framework used then a Call-off Contract under the Framework agreement</p>	<p>Signed by Chief Executive, Deputy Chief Executive, Chief Operating Officer or Chief Finance Officer <u>up to</u> but not including £500,000 (can be delegated to an Assistant Director below £250,000)</p> <p>Hardcopy or e-signature</p> <p>OR</p> <p>Sealed if £500,000 or above through Legal Services</p> <p>OR</p> <p>If under £500,000 but a Deed then by sealing through Legal</p>	<p>In Service area shared area</p> <p>AND</p> <p>By P&amp;CMT and Legal services</p>	<p>Spend over £500 published online</p> <p>Contracts Register</p> <p>Notices</p>
	<p><b>Above Threshold Tender</b></p> <p>1. Advertised Tender through a competitive tendering</p>	P&CMT officer in consultation with procuring officer	P&CMT officer in consultation with procuring officer and	Yes	<p>Council Standard Contract</p> <p>OR</p>	<p>Signed by Chief Executive, Deputy Chief Executive, Chief Operating</p>	<p>In Service area shared area</p> <p>AND</p>	<p>Spend over £500 published online</p>

	Procurement Method	Who carries out the Procurement	Who evaluates and takes decision	Record decision	Contract Options	Contract Completion	Contract Retention	Transparency
173	<p>procedure via the e-procurement platform</p> <p>2. A Framework, DM (new regime) or DPS (old regime)</p> <p>3. A Direct Award where permitted under the PA23 and Schedule 8</p>		relevant Portfolio Holders		<p>Professional contract (e.g. JCT, NEC)</p> <p>OR</p> <p>Supplier contract with Monitoring Officer approval</p> <p>OR</p> <p>Bespoke contract with Monitoring Officer approval</p> <p>OR</p> <p>If Framework used then a Call-off Contract under the Framework agreement</p>	<p>Officer or Chief Finance Officer up to but not including £500,000 (can be delegated to an Assistant Director below £250,000)</p> <p>Hardcopy or e-signature</p> <p>OR</p> <p>Sealed if £500,000 or above through Legal services</p> <p>OR</p> <p>If under £500,000 but a Deed then by sealing through Legal services</p>	By P&CMT and Legal services	<p>Contracts Register</p> <p>Notices</p>

\* P&CMT will provide written certification to a service area that they are approved to use the e-Procurement platform without P&CMT's oversight. If any officer is unsure whether their service area is certified, contact P&CMT for confirmation

**SCHEDULE 8 – DIRECT AWARD FOR ABOVE THRESHOLD CONTRACTS**

1. Where a direct award is necessary and expressly permitted by the relevant legislation, the procurement and contract award may be undertaken without a competitive tendering procedure and must be undertaken with approval from the relevant non-statutory chief officer, Monitoring Officer, Chief Finance Officer and Procurement and Contracts Manager via an Exemption Form.
2. Under the PA23, unless otherwise stated that these notices are not required, the Council must publish the following mandatory notices when directly awarding a contract to a supplier, namely:
  - a **transparency notice** before a contract is directly awarded to inform the market that the Council intends to directly award a contract and ensure that there is transparency relating to this decision;
  - a **contract award notice** which initiates any mandatory or voluntary standstill period and must be published before the Council enters into contract; and
  - a **contract details notice** once the contract has been entered into.

No	Direct Award
1	Where a Minister of the Crown has issued published Regulations specifying identified public contracts that are to protect human, animal or plant life or health, or to protect public order or public safety.
2	The creation or acquisition of a unique work of art or artistic performance
3	Only one supplier can supply the goods, works or services due to the absence of competition for technical reasons and there are no reasonable alternatives
4	The extension or partial replacement of existing goods, services or works by the existing supplier where a change in supplier would result in receiving different or incompatible goods or services, resulting in disproportionate technical difficulties in operation or maintenance
5	Only one supplier can supply the goods, works or services because of intellectual property or other exclusive rights and there are no reasonable alternatives
6	The supply of similar goods, services or works by an existing supplier where the existing contract was awarded competitively to the existing supplier in the last five years and the tender notice for the award specifically mentioned the contracting authority's intention to use this direct award justification
7	A contract on particularly advantageous terms because the supplier is undergoing insolvency proceedings
8	The goods, services or works are strictly necessary because of extreme and unavoidable urgency and cannot be awarded in a competitive tendering procedure
9	Goods purchased on a commodity market
10	Where the contract is for the supply of user choice services, as designated by regulations and supplied for the benefit of the individual.
11	The supply of prototypes or the testing, viability research or development of other novel services
12	Switching to direct award where a competitive tendering procedure has been undertaken and no suitable tenders were received.

## SCHEDULE 9 – DIRECT AWARD FOR BELOW THRESHOLD CONTRACTS

1. Direct awards for Below Threshold contracts can only be made with the approval of the relevant non-statutory chief officer, Monitoring Officer, Chief Finance Officer and Procurement and Contracts Manager via an Exemption Form.
2. The following categories of direct award apply to Below Threshold contracts:

No	Direct Award
1	<p>Where there is an immediate need to:</p> <ul style="list-style-type: none"> <li>• protect human, animal or plant life or health</li> <li>• to protect public order or public safety</li> <li>• to protect property</li> <li>• to maintain the immediate functioning of a public service for which the Council is responsible.</li> </ul> <p>In such cases the contract must only last as long as is reasonably necessary to deal with the specific immediate need</p>
2	The creation or acquisition of a unique work of art or artistic performance
3	Only one supplier can supply the goods, works or services due to the absence of competition for technical reasons and there are no reasonable alternatives
4	The extension or partial replacement of existing goods, services or works by the existing supplier where a change in supplier would result in receiving different or incompatible goods or services, resulting in disproportionate technical difficulties in operation or maintenance provided that the total estimated value of such an extension does not exceed the relevant WTO GPA Thresholds
5	Only one supplier can supply the goods, works or services because of intellectual property or other exclusive rights and there are no reasonable alternatives
6	The supply of similar goods, services or works by an existing supplier where the existing contract was awarded competitively to the existing supplier in the last five years and the tender notice for the award specifically mentioned the contracting authority's intention to use this direct award justification
7	A contract on particularly advantageous terms because the supplier is undergoing insolvency proceedings
8	The goods, services or works are strictly necessary because of extreme and unavoidable urgency and cannot be awarded in a competitive tendering procedure
9	Goods purchased on a commodity market
10	Where the contract is for the supply of user choice services, as designated by regulations and supplied for the benefit of the individual.
11	The supply of prototypes or the testing, viability research or development of other novel services
12	Switching to Direct Award where a competitive tendering procedure has been undertaken and no suitable tenders were received
13	Special and evidenced circumstances exist that make it appropriate and beneficial to negotiate with a single firm or that a single tender be invited, for example quantifiable and significant cost

	and efficiency savings can be achieved through seeking an alternative route, which outweigh the legal risk of the waiver.
14	The Council would otherwise be exposed to immediate and significant financial, legal, or reputational risk that has been identified in the relevant risk register and is considered to outweigh the risk of the waiver. This must be evidenced.

<b>Schedule 10</b>	<b>Notices under the PA23</b>
<b>Notice</b>	<b>Commentary</b>
Pipeline Notice	<p>Purpose: This notice is compulsory if the Council considers it will pay more than £100 million (inclusive of VAT) under relevant contracts in the coming financial year. This notice sets out specified information about any Above Threshold contract with an estimated value of more than £2 million (inclusive of VAT), in respect of which the Council intends to publish a tender notice or transparency notice during the reporting period (18 months from the start of the financial year).</p> <p>Publication: Must be published on the Central Digital Platform.</p> <p>Timing: Within 56 days of the start of the new financial year.</p>
Preliminary Market Engagement Notice	<p>Purpose: This notice must set out that you intend to engage in or already have engaged in preliminary market engagement. Where preliminary market engagement is undertaken, this notice is compulsory for an Above Threshold contract unless the Council provides a reason for not doing so in the tender Notice. It is optional for Below Threshold tendered contracts.</p> <p>Publication: Must be published on the Central Digital Platform.</p> <p>Timing: Prior to or during preliminary market engagement.</p>
Planned Procurement Notice	<p>Purpose: May be published to advertise intention of publishing a Tender Notice. This notice will constitute a “qualifying planned procurement notice” (for the purposes of reduced tendering periods) where the notice is published in accordance with the timescales below.</p> <p>Publication: Must be published on the Central Digital Platform.</p> <p>Timing: At least 40 days but not more than 12 months before the day on which the tender Notice is published.</p>
Tender Notice	<p>Purpose: This Notice is compulsory where an Above Threshold contract is advertised as part of a competitive tendering exercise, “associated tender documents” must be provided alongside the tender Notice.</p> <p>Publication: Must be published on the Central Digital Platform.</p> <p>Timing: On commencement of the procurement – i.e. publishing a request to participate or, in the case of any competitive flexible procedure where there is no request to participate, when tenderers are invited to submit their first tender.</p>
Transparency Notice	<p>Purpose: A notice setting out that the Council intends to award an Above Threshold contract directly to a supplier.</p> <p>Publication: Must be published on the Central Digital Platform.</p> <p>Timing: Before directly awarding a contract.</p>

<p>Procurement Termination Notice</p>	<p>Purpose: If, following a Tender Notice or Transparency Notice, the Council decides not to award the contract, the Council must publish a Procurement Termination Notice.</p> <p>Publication: Must be published on the Central Digital Platform.</p> <p>Timing: As soon as reasonably practicable after deciding not to award the contract.</p>
<p>Contract Award Notice</p>	<p>Purpose: Sets out the Council’s intention to enter into an Above Threshold or Below Threshold tendered contract.</p> <p>Publication: Must be published on the Central Digital Platform.</p> <p>Timing: Before entering into an Above Threshold contract but after providing each supplier that submitted an assessed tender their “assessment summary”.</p>
<p>Contract Details Notice</p>	<p>Purpose: Sets out that the Council has entered into an Above Threshold contract.</p> <p>Publication: Must be published on the Central Digital Platform.</p> <p>Timing: Within 30 days of entering into the contract (or within 120 days if entering into a light touch contract).</p>
<p>Contract Change Notice</p>	<p>Purpose: Sets out that an Above Threshold contract (or a contract which is now become an Above Threshold contract because of the modification – known as a convertible contract) has been modified.</p> <p>This notice is not required if (1) the modification increases/decreases the value by 10% or less for a goods or services contract or 15% or less for a works contract or (2) the modification increases/decreases the term of the contract by 10% or less of the maximum period provided for on award. This exception does not apply in the case of modifications relating to novation or assignment on corporate restructuring.</p> <p>Does not apply to light touch contracts.</p> <p>Publication: Must be published on the Central Digital Platform.</p> <p>Timing: Before modifying an Above Threshold or convertible contract. May contain a voluntary standstill period.</p>
<p>Contract Performance Notice</p>	<p>For contracts over £5million.</p> <p>Purpose: This notice applies in three scenarios:</p> <ul style="list-style-type: none"> <li>• where the Council has set KPIs in accordance with section 52 of the PA 23. Notice will contain information assessing performance against the KPIs and certain other information specified in regulations;</li> <li>• where the supplier is in breach of an Above Threshold contract resulting in total/partial termination, award of damages or a settlement agreement; or</li> </ul>

	<ul style="list-style-type: none"> <li>• where the Council considers the supplier is not performing the Above Threshold contract to the Council's satisfaction, has been given proper opportunity to improve performance and has failed to do so.</li> </ul> <p>In the latter two scenarios (which do not apply to light touch contracts), a Contract Performance Notice must be published stating that the relevant provision of the PA23 applies, the circumstances giving rise to it applying and other specified information.</p> <p>Publication: Must be published on the Central Digital Platform.</p> <p>Timing: Scenario 1 - at least once in every period of twelve months during the lifecycle of the contract and on termination. Scenarios 2 and 3 – before the end of the period of 30 days beginning with the day the relevant PA23 ground first applies.</p>
Payment Compliance Notice	<p>Purpose: This notice must be published if a payment has been made under a current Above Threshold contract, or that a sum owed under a Above Threshold becomes payable. This sets out specified information about the Council's compliance with the payment obligations (i.e. to pay within 30 days) and other specified information.</p> <p>Publication: Must be published on the central digital platform.</p> <p>Timing: Within 30 days of the last reporting period (every six months ending 31 March and 30 September).</p> <p>Note in addition to the Payment Compliance Notice, the PA23 requires that specified information on any payment of more than £30,000 (inclusive of VAT) within 30 days of the end of the quarter in which the payment was made. This does not apply to concession contracts.</p> <p>Payment Compliance Notices and the additional information requirements above do not apply to concession contracts.</p>
Contract Termination Notice	<p>Purpose: This notice must be published when an Above Threshold or Below Threshold tendered contract is terminated (this includes discharge, expiry, termination by any party, rescission or being set aside).</p> <p>Publication: Must be published on the Central Digital Platform.</p> <p>Timing: Within 30 days of the contract's termination.</p>
Below Threshold Tender Notice	<p>Purpose: This notice sets out that the Council intends to award a notifiable Below Threshold contract (i.e. a contract with an estimated value of not less than £30,000 (inclusive of VAT)). Note, this notice is not required if the opportunity is only advertised to particular or pre-selected suppliers (i.e. quotation process).</p> <p>Publication: Must be published on the Central Digital Platform.</p> <p>Timing: Before the Council advertises to invite tenders for a notifiable below-threshold contract.</p>

<p>Below Threshold Contract Details Notice</p>	<p>Purpose: Sets out that the Council has entered into a notifiable below-threshold contract.</p> <p>Publication: Must be published on the Central Digital Platform.</p> <p>Timing: As soon as reasonably practicable after entering into a notifiable below-threshold contract.</p>
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## **Local Protocol – Member Champions**

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Annex 1 - Possible Roles of Member Champions

## **Local Protocol – Member Champions**

### **1. Introduction**

1.1 Member champions are elected members who act as an advocate or spokesperson for a specific area of the Council's business. The main responsibility of each member champion is to encourage communication and positive action over the issue they represent.

### **2. Appointment of Member Champions**

2.1 The Leader is responsible for appointing member champions. Any member of the Council may be member champion, including the Leader. The Council currently has the following member champions:

- (a) Armed Forces
- (b) Coast
- (c) Disabilities
- (d) Heritage

2.2 Member champions will generally be appointed following the whole local government elections that take place every four years and will normally be expected to serve for the period of his/her term of office to ensure some stability in the role. However, an appointment may be made during the four year period to any new position that is established or to a position where there is a vacancy. The appointments made by the Leader must be communicated in writing to the Chief Executive.

2.3 Any appointment should have due regard to the suitability for the role and relevant national and local guidance.

2.4 A member champion may be removed from office at any time by the Leader by written notice to the Chief Executive.

2.5 Any member champion may resign from office by giving written notice to the Leader and the Chief Executive.

### **3. Role of Member Champions**

3.1 All member champions will have a job description setting out their respective roles. These will be developed in consultation with the Leader and the champion concerned. Examples of possible roles for champions that may be appropriate to include in a job description are set out in Annex 1 to this protocol.

### **4. The Parameters of the Member Champion Role**

4.1 All member champions must act reasonably in their role and recognise and work effectively within the political management and working arrangements adopted by the Council.

**4.2 A champion cannot make decisions (unless the champion is a Cabinet Member with delegated authority) and must not commit the Council in any way or in a manner that could be interpreted as being contrary to established policy and practice. They may, however, confirm a position as stated in a published policy.**

### **5. Cabinet Members – Working Relationship**

5.1 The first point of liaison on all relevant issues for the Member Champion will be through the Cabinet Member/Leader.

5.2 Cabinet Members will normally:

- (a) acknowledge the right of champions to be consulted on matters relating to their area of interest;
- (b) take full account of any views offered by champions prior to any decision taken (by a Cabinet member with delegated authority) on matters within their area of interest;
- (c) co-operate with champions in the formulation of any action plans they have agreed with the relevant Cabinet Member; and
- (d) in liaison with the Leader consider nominating the relevant champion to represent the Council at a relevant conference/seminar on the subject matter of the champions interest.

## **6. Accountability**

6.1 At the beginning of each municipal year, each member champion may agree with the relevant Cabinet member and officers a programme of activity, with SMART (specific, measurable, achievable, realistic, time-bound) targets, taking into account the Council's priorities.

6.2 The Member Champion will report into their Cabinet Member regularly and in consultation with them into the Member's bulletin on at least an annual basis to keep the Council updated on their work.

## **7. Training**

7.1 All member champions will normally have the opportunity to attend appropriate training courses contained in the Council's Member Development Programme.

## **8. Attendance at Seminars and Conferences**

8.1 The attendance by member champions at conferences/seminars relevant to their roles will only be approved following consultation with the Leader in consultation with the Democratic Services Manager. When approved, expenses may be claimed.

## **9. Allowances**

11.1 None of the member champions are entitled to receive a Special Responsibility Allowance (SRA) for carrying out their role.

## **10. Interests**

10.1 Member Champions are reminded to ensure any interests they may have are declared at all appropriate points.

## **11. Dispute Mechanism**

11.1 In the event that a dispute arises in relation to the operation of this protocol such dispute must be referred to the Chief Executive whose decision on the dispute shall be final. The parties to any dispute are expected to provide the Chief Executive (or any person nominated by him to determine the dispute) such information as he may reasonably require to make a decision on the dispute.

## Annex 1

### **Possible Roles of Member Champions**

The following examples of roles for member champions may be appropriate to include in their Terms of Reference:

- (a) To champion the adopted policy of this Council for the relevant theme;
- (b) To promote their area of interest both within and outside the Council;
- (c) To contribute to the review and development of policies pertaining to the area of interest;
- (d) To act as a critical friend and question the Council and Cabinet Members on issues affecting their area of interest;
- (e) To attend meetings of the Council, its Committees and the Cabinet and speak on issues (when permitted by the Chairman) relevant to their area of interest;
- (f) To monitor the Forward Plan and seek information from the relevant cabinet members and officers about forthcoming business and exert influence on behalf of the interest in consultation with the relevant Cabinet Member;
- (g) To monitor overview and scrutiny plans and activity and seek information and offer views on relevant review subjects and exert influence on behalf of the interest;
- (h) To seek to place appropriate items on member meeting agendas;
- (i) To keep other councillors up-to-date with activities relevant to the area of interest;
- (j) To keep up-to-date with current developments;
- (k) To provide positive support, and on occasions, constructive challenge to Members and officers in driving forward the Council's agenda on relevant issues; and
- (l) Following the approval of the Leader (and Cabinet Member), to act as the Council's representative on relevant external bodies where Council representation is required and approved.

## **Borough Council of King's Lynn and West Norfolk Petition Scheme**

The Borough Council of King's Lynn and West Norfolk welcomes petitions and we recognise that petitions are one way in which people can let us know their concerns.

### **What petitions can we accept?**

For the purposes of this scheme, we will treat as a petition anything which identifies itself as a petition, or if it seems to us that it is intended to be a petition, and which is signed by a minimum of 250 people who live, work or study in West Norfolk.

We can be petitioned about things that the Borough Council is directly responsible for or that we can have some influence over. A petition can ask us to either take action or to stop doing something. We can be petitioned about our services, our policies or a decision made by either a Borough Councillor or council officer.

If your petition is about something over which the Borough Council has no direct control, we will consider making representations on behalf of the community to the relevant body. The Borough Council works with a large number of local partners to improve the economic, social and environmental well-being of Norfolk. If a petition is about how any of these partners can make improvements, we will work with them where possible to respond to it. If we are not able to do this for any reason, for example, if what the petition calls for conflicts with Council policy, we will explain the reasons for this to the petition organiser.

For some 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. However, if we are failing to deliver these services properly then you can submit a petition. For example, we cannot accept a petition about an individual planning application but you can petition us about failing to deliver an effective service for planning applications. If a petition organiser is unsure whether their issue is something they can petition us about, we will be happy to advise them.

We will not accept petitions which we consider to be vexatious, abusive or otherwise inappropriate. Please read our terms and conditions before submitting a petition.

If a petition does not follow the guidelines set out above, we may decide not to do anything further with it. In that case, we will write to the petition organiser to explain our reasons for this.

### **Petitions submitted to the Council:**

- Should include a clear and concise statement saying what the petition is about. It must state what action it wishes the council to take.
- Must contain the name and address for and signature of any person who lives, works or studies in West Norfolk supporting the petition.

Petitions should include the contact details, including an address, of the petition organiser. This is the person we will contact to explain how we will respond to the petition. We will not put the contact details of the petition organiser on the website. If the petition does not say who the petition organiser is, we will contact people who have signed the petition to agree who should act as the petition organiser.

We can receive either paper or online petitions, or a combination of the two. In the case of an online petition using the Borough Council's online petition facility, once available, the petition organiser will need to submit the wording of the petition to the council before it goes 'live' to collect signatures. Although paper petitions do not have to be submitted to us before the petition organiser starts collecting signatures, it may be helpful to take this step. This is because it could help the petition organiser and the council to find an alternative way of resolving the issue at an early stage.

### **How to submit a petition**

We can accept paper petitions sent to us or presented to us. If a petition organiser 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 our Democratic Services Office on 01553 616632 at least 10 working days before the meeting to arrange this.

Once the facility is on line, we will also accept online petitions submitted using our petition tool on our website (see below for more information). We can accept petitions emailed to us, or petitions created using other petition software, but only if the names, addresses and the email addresses of people who have signed the petition are attached.

### **What we will do when we receive a petition**

We will send an acknowledgement to the petition organiser within 10 working days of receiving the petition. This will let them know how we plan to respond to the petition and when they can expect to hear from us again. It will also be published on our website.

If we can do what the petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a debate by full Council, or a senior officer giving evidence to an Overview and Scrutiny Panel, then the acknowledgment will confirm this and say when and where the meeting will take place. If the petition needs more investigation, we will outline the steps we plan to take.

If the petition applies to a planning or licensing decision or a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply. However, a petition relating to the council's systematic or total failure to discharge its responsibilities in any of these functions would be considered as valid.

We will not consider petitions making substantially the same request as another similar petition considered by the Council within the preceding 12 months.

To make sure that people know what we are doing in response to the petitions we receive, we will publish the details of all the valid petitions submitted to us on our website. We recommend that people check our website before starting a petition to see if anybody has already sent us a petition on the same subject.

### **How will we respond to petitions?**

Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- taking the action requested in the petition
- considering the petition at a Council meeting
- holding an inquiry
- researching the issue
- holding a public meeting
- carrying out a consultation
- holding a meeting with petitioners
- referring the petition for consideration by:
  - one of our Overview and Scrutiny Panels\*
  - our Cabinet
  - the Local Strategic Partnership
- calling a referendum
- writing to the petition organiser setting out our views about the request in the petition

\*Overview and Scrutiny Panels are committees of councillors who are responsible for scrutinising the work of the authority - in other words, an Overview and Scrutiny Panel has the power to hold the authority's decision makers to account.

If the petition is about something that has nothing to do with the Borough Council, we will explain this to the petition organiser and, where possible, offer advice on where it should be directed.

### **Full Council debates**

If a petition contains more than 5000 signatures it will be debated by the full Council. This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend. The Council will endeavour to consider the petition at its next meeting following receipt but on some occasions this may not be possible and it will then be considered at the following meeting. The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by councillors for a maximum of 15 minutes. We will decide how to respond to the petition at this meeting. We may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to further investigate the matter, for example by asking a relevant committee to look into it. Where the issue is one on which the authority's Executive is required to make the final decision, the Council will decide whether to make recommendations to

inform that decision. We will write to the petition organiser to confirm our decision. We will also publish our decision on our website.

### **Officer evidence**

A petition may ask for a senior council officer to answer questions at an Overview and Scrutiny Panel meeting about something which the officer is responsible for as part of their job. For example, a petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision. These meetings are held in public. However, a petition must contain at least 2500 signatures to require the attendance of the relevant senior officer at such a meeting.

Be aware that the Overview and Scrutiny Panel may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. Where the petition relates to a policy, budget or other decision by members of the Council, it will be expected that the relevant Cabinet Member will also attend such a meeting to assist with answering questions. Panel members will ask the questions at this meeting, but you will be able to suggest questions to the Chairman of the Panel by contacting the Relevant Democratic Services Officer at least two working days before the meeting.

### **What can I do if I feel my petition has not been dealt with properly?**

If a petition organiser feels that we have not dealt with their petition properly, they have the right to request that the appropriate Overview and Scrutiny Panel reviews the steps that we have taken in response to their petition. It is helpful to everyone if the petition organiser gives a short explanation of the reasons why the Council's response is not considered to be adequate.

The Panel will consider the request at its next available meeting. If the Panel decides that we have not dealt with your petition adequately, it may use any of its powers to deal with the matter.

These powers include instigating an investigation, making recommendations to the Council's Cabinet or arranging for the matter to be considered at a meeting of the full Council.

Once the appeal has been considered, we will inform the petition organiser of the results within five working days. We will also publish the results of the review on our website.

If the petition organiser is still unhappy, they can use our complaints process or contact the Local Government Ombudsman.

**\* Please note that the following provisions for online petitions will be effective from 15 December 2010**

## **Online Petitions**

We welcome online petitions which are created and submitted through our own petitions webpage [link] or created using other online petition tools. Online petitions must follow the same guidelines as paper petitions. The petition organiser will need to provide us with their name, postal address and email address. They will also need to decide how long they would like their petition to be open for signatures. Most online petitions run for six months but the petition organiser can choose a shorter or longer timeframe, up to a maximum of 12 months.

When someone creates an online petition on our website, it may take up to ten working days before we publish it online. This is because we have to check that the content of the petition is suitable before people can sign it.

If we feel we cannot publish the petition for some reason, we will contact the petition organiser within this time to explain. The petition organiser can change and resubmit their petition if they wish. If they do not do this within 10 working days, we will assume that the petition organiser no longer wishes to proceed with their petition and a summary of the petition and the reason why it was not accepted will be published under the 'rejected petitions' section of the website.

When an online petition has reached the date set by the petition organiser for it to close, we will let them know. At this stage the petition organiser can choose whether to submit the petition, print the petition and combine it with paper signatures, arrange with us to present the petition or withdraw the petition.

If the petition organiser wants to combine an online petition with a paper one, they will need to print off the signatures on the online petition and either send it to us or arrange to present it. It is the responsibility of the petition organiser to check the petition to make sure there are no duplicate signatures.

If we do not hear from the petition organiser, we will automatically submit their online petition within ten working days of it closing.

We will then treat online and combination petitions in the same way as a paper only petition. We will send the petition organiser an acknowledgement within ten working days to let them know what we intend to do in response. If the petition organiser wishes to present the petition to a meeting of the council, they must contact Democratic Services on 01553 616391 within 10 working days of receipt of the acknowledgement.

We will email a petition acknowledgement and response to everyone who has signed the online petition and asked to receive this information. We will also publish our response to online petitions on our website.

You can withdraw an online petition at any time.

## **How do people 'sign' an online petition?**

When people sign an online petition we will ask them to provide their name, their address and a valid email address. When they have submitted this information we will send them an email to the email address they have provided. This email will include a link which they must click on to confirm their email address is valid. Once this step is complete we will add their 'signature' to the petition. People viewing the online petition will be able to see the names of those who have signed it but not their contact details.

People visiting the online petition will be able to see the names of people who have signed it but they will not be able to see their contact details.



# **THE BOROUGH COUNCIL OF KING'S LYNN AND WEST NORFOLK'S COUNCILLOR CODE OF CONDUCT**

## Definitions

For the purposes of this Code of Conduct, a “*Councillor*” means a member or co-opted member of a local authority or a directly elected mayor. A “*co-opted member*” is defined in the Localism Act 2011 Section 27(4) as “*a person who is not a member of the authority but who*

- a) is a member of any committee or sub-committee of the authority, or;*
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;*

*and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.*

For the purposes of this Code of Conduct, “*local authority*” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

**Council Body** means, as the context dictates: Full Council, Cabinet, all Panels/Committees/Boards contained in the Council’s Constitution including all sub-committees, task groups and informal working groups.

**Council Company/Companies** means any company registered with Companies House in which the Council is a shareholder (company limited by shares) or owner (company limited by guarantee)

**Disclosable Pecuniary Interest** means an interest of yourself, or of your Partner if you are aware of your Partner's interest, within the descriptions set out in Table 1 below.

**Partner** means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

## Glossary

The following terms in this Code shall be interpreted as follows:

**Must:** Mandatory on all occasions

**Require:** Mandatory on all occasions

**Should:** Mandatory unless an objectively justified reason not to

## Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a Councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow Councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all Councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of Councillor and local government.

## **General principles of Councillor conduct**

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, Councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles. As a Councillor, you are required to uphold and comply with the Nolan Principles, which are set out in full at Appendix A. Failure to do so may be treated as a breach of this Code of Conduct.

Building on these principles, the following general principles have been developed specifically for the role of Councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of Councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

## **Application of the Code of Conduct**

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of Councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a Councillor.

This Code of Conduct applies to you when you are acting in your capacity as a Councillor which may include when:

- you misuse your position as a Councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a Councillor

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a Councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish Councillors are

encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

## **Standards of Councillor conduct**

This section sets out your obligations which, in addition to compliance with the Nolan Principles, are the minimum standards of conduct required of you as a Councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

The Local Government Association has published full guidance in relation to their Model Code of Conduct, which this Code closely reflects. It is recommended that you review and consider this guidance. This guidance will be used as an interpretation tool in the consideration of any complaint that the Code of Conduct has been breached.

The full guidance can be accessed at the following:

<https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct>

## **General Conduct**

### **1. Respect**

**As a Councillor:**

**1.1 I treat other Councillors and members of the public with respect.**

**1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a Councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack. If you are to act in this manner in a public meeting of this Council, the Chair of that meeting will have due regard to Standing Order 15 regarding disorderly conduct of Members.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in Councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow Councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's Councillor-officer protocol.

### **2. Bullying, harassment and discrimination**

**As a Councillor:**

**2.1 I do not bully any person.**

## **2.2 I do not harass any person.**

## **2.3 I promote equalities and do not discriminate unlawfully against any person.**

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

This will be assessed on an objective basis, i.e. would a fair-minded and informed observer conclude that the conduct complained of was likely to amount to bullying, harassment, etc.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

## **3. Impartiality of officers of the council**

**As a Councillor:**

### **3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.**

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

## **4. Confidentiality and access to information**

**As a Councillor:**

### **4.1 I do not disclose information given to me in confidence by anyone unless:**

- a. I have received the consent of a person authorised to give it;**
- b. I am required by law to do so;**
- c. the disclosure is made to a third party for the purpose of obtaining**

**professional legal advice provided that the third party agrees not to disclose the information to any other person; or**

**d. the disclosure is:**

**i. reasonable and in the public interest; and**

**ii. made in good faith and in compliance with the reasonable requirements of the local authority; and**

**iii. I have consulted the Monitoring Officer prior to its release.**

**4.2 I do not improperly use knowledge gained solely as a result of my role as a Councillor for the advancement of myself, my friends, my family members, my employer or my business interests.**

**4.3 I do not prevent anyone from getting information that they are entitled to by law.**

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

## **5. Disrepute**

**As a Councillor:**

**5.1 I do not bring my role or local authority into disrepute by behaviour which is considered dishonest, deceitful or physically harmful to another person.**

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other Councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow Councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

## **6. Use of position**

**As a Councillor:**

**6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

## **7. Use of local authority resources and facilities**

**As a Councillor:**

**7.1 I do not misuse council resources.**

**7.2 I will, when using the resources of the local authority or authorising their use by others:**

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a Councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a Councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

## **8. Complying with the Code of Conduct**

**As a Councillor:**

**8.1 I undertake Code of Conduct training provided by my local authority.**

**8.2 I cooperate with any Code of Conduct investigation and/or determination.**

**8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**

**8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a Councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

### **Protecting your reputation and the reputation of the local authority**

## **9. Interests**

**As a Councillor:**

**9.1 I register and disclose my interests.**

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a

register of interests of members of the authority.

You need to register yours and your Partner's Disclosable Pecuniary interests so that the public, local authority employees and fellow Councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other Councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

**Appendix B** sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

**9.2 I will not act in my capacity as a Councillor when I have a conflict of interest or where a fair-minded and informed observer would conclude that I am biased towards an interest to such extent that it would impair my ability to make a decision in the public interest.**

The legislation and this Code set out requirements on declaring interests in advance on your published Register of Interests, which are confined to financial interests. These advanced published declared interests are, however, not the only interests that may arise when acting as a Councillor and which you will need to be alive to and take appropriate mitigating action on when they arise. For example, your best friend may have a 'premises licence' application going before a Licensing Committee on which you have been asked to sit, you have a very strong personal grievance with an applicant on a Planning Committee agenda, or you may be appointed to the Board of an outside body by the Council and a situation arises where your interests as a Councillor and your interests as a Board Member are competing.

Not every interest automatically generates a conflict of interest. In determining whether there is a conflict of interest and what action should be taken, you should refer to the 'Interest Flowchart' at Appendix C.

Public interest in this context means that the decision is taken to serve the benefit of the general public as opposed to primarily serving any personal or private interest.

Members Expenses paid by the Council to Councillors are excluded from being a Disclosable Pecuniary Interest. A dispensation is hereby given to all Members when considering, participating or voting on any matter related to setting the scheme for Members Expenses from this being a 'Wider Interest', as described in Appendix B.

## **10. Gifts and hospitality**

**As a Councillor:**

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a Councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a Councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a Councillor. If you are unsure, do contact your Monitoring Officer for guidance.

## **11. Other Expected Behaviours**

- 11.1 Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.**
- 11.2 Behaving in accordance with all our legal obligations, alongside any requirements contained within this Authority's policies, protocols and procedures, including on the use of the Authority's resources.**

## **Review of this Code of Conduct**

A review of this Code will be undertaken annually by the Monitoring Officer. Only if there are proposed changes will the review be taken to the Standards Committee.

## **Appendices**

### **Appendix A – The Seven Principles of Public Life**

The principles are:

#### **Selflessness**

Holders of public office should act solely in terms of the public interest.

#### **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

#### **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

#### **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

#### **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

#### **Honesty**

Holders of public office should be truthful.

#### **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## Appendix B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Extended Registerable Interests)**.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the Councillor, or a person connected with the Councillor, being subject to violence or intimidation. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register. This applies if you wish to withhold your address from the public Register of Interests.
3. You need to register your interests AND your Partner’s Disclosable Pecuniary interests (see definition of Partner at the beginning of this Code)

### Non participation in case of Disclosable Pecuniary Interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a Disclosable Pecuniary Interest on a matter to be considered or is being considered by you as a member of any Council Body in exercise of your role on that Council Body, you must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

### Disclosure of Extended Registerable Interests

6. Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your Extended Registerable Interests (as set out in Table 2), you must disclose the interest. You must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation by the Standards Committee. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest.

### Disclosure of Wider Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not

have to disclose the nature of the interest.

8. Where a matter arises at a meeting which **affects** –
- a. your own financial interest or well-being;
  - b. a financial interest or well-being of a relative or close associate; or
  - c. a financial interest or wellbeing of a body included under Extended Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:
- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
  - b. a fair-minded and informed observer would conclude that you are biased towards an interest to such extent that it would impair your ability to make a decision in the public interest and/or the Council's interest.

You must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where a matter arises at a meeting of a Council Body which relates to a Council Company of which you are a director or relates to an outside body to which you are appointed by the Council, you must declare your interest. You must assess and make clear in the discussions which capacity you are speaking in at the meeting, either as a Councillor or director/member of outside body. You may take part in the discussions as a member of the relevant Council Body or under your Member rights to speak, unless there is a conflict between any competing interests of the Council and the Council Company/outside body, or a fair-minded and informed observer would conclude that there was, in which case you must not take part in any discussion in your capacity as a Councillor and the Chair of the Council Body can determine if they wish you to remain in the room. You must not vote even where you remain and take part in the discussions.
11. If any other interest arises which makes you feel conflicted to act, such that you do not consider you could approach your duties in a fair, objective or open manner, then you have a conflict of interest and should not act or take any further steps in the matter apart from arranging for someone else to deal with it. If you are at a meeting you should declare your interest and not participate in the discussions or vote.
12. If any other interest that arises which you consider a fair-minded and informed observer would conclude that you are biased towards an interest to such extent that it would impair your ability to make a decision in the public interest then you should not act or take any further steps in the matter apart from arranging for someone else to deal with it. If you are at a meeting you should declare your interest and not participate in the discussions or vote.
13. Where you have an Extended Pecuniary Interest or an applicable Wider Interest on a matter to be considered or is being considered by you as a member of any Council Body in exercise of your role on that Council Body, you must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

**Table 1: Disclosable Pecuniary Interests**

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

<b>Subject</b>	<b>Description</b>
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain. (you and your Partner)
<b>Sponsorship</b>	Any payment or provision of any other financial benefit (other than from the council) made to the Councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a Councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
<b>Contracts</b>	Any contract made between the Councillor or his/her spouse or civil partner or the person with whom the
	Councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
<b>Land and Property</b>	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the Councillor or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.
<b>Licenses</b>	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer

<b>Corporate tenancies</b>	Any tenancy where (to the Councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the Councillor, or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
<b>Securities</b>	Any beneficial interest in securities* of a body where— (a) that body (to the Councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the Councillor, or his/ her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.  (you and your Partner)

\* 'director' includes a member of the committee of management of an industrial and provident society.

\* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

**Table 2: Extended Registrable Interests**

You must register as an Extended Registerable Interest:

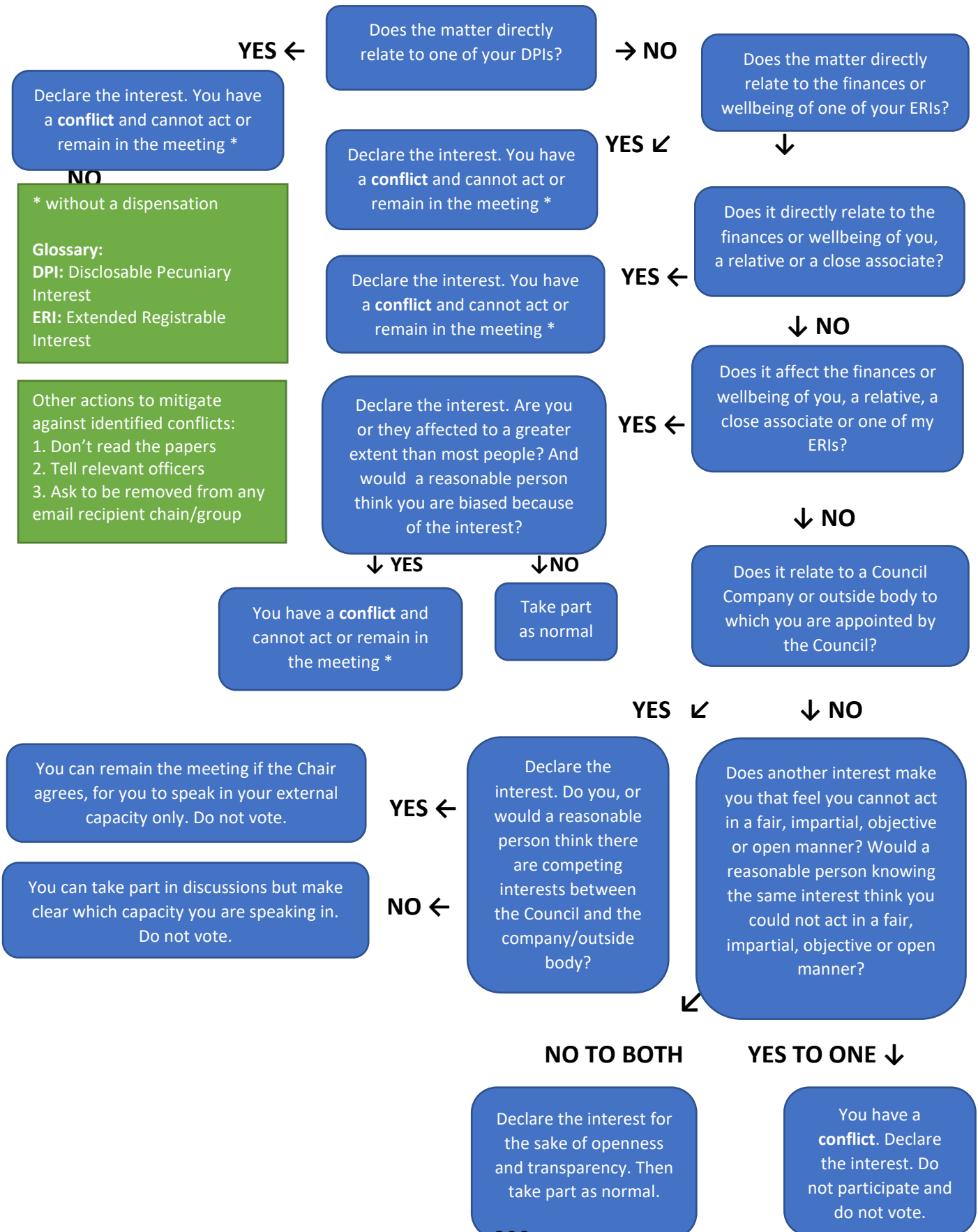
- a) any unpaid directorships (excluding the Council's Companies)
- b) any body
  - (i) exercising functions of a public nature
  - (ii) directed to charitable purposes or
  - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management

**Appendix C – Interests Flowchart**

**DECLARING AN INTEREST AND MANAGING ANY CONFLICTS FLOWCHART**



**START**



Declare the interest. You have a **conflict** and cannot act or remain in the meeting \*

**NO**

\* without a dispensation

**Glossary:**

**DPI:** Disclosable Pecuniary Interest

**ERI:** Extended Registrable Interest

**Other actions to mitigate against identified conflicts:**

1. Don't read the papers
2. Tell relevant officers
3. Ask to be removed from any email recipient chain/group

**YES ←**

**→ NO**

**YES ↙**

**YES ←**

**YES ←**

**↓ YES**

**↓ NO**

**YES ↙**

**↓ NO**

**YES ←**

**NO ←**

**NO TO BOTH**

**YES TO ONE ↓**

**MEMBER/OFFICER PROTOCOL**

- 1 Mutual trust and respect between Members and officers is at the heart of the Council's good governance. They are essential if the partnership necessary for the effective running of a local authority is to succeed.
- 2 This protocol is designed to:-
  - promote trust, openness, fairness and honesty by establishing clear ground rules;
  - define roles so as to clarify responsibilities
  - avoid conflict
  - prevent duplication or omission;
  - secure compliance with the law, codes of conduct and the Council's own practices and procedures and to lay down procedures for dealing with concerns by Members or Officers.
- 3 The protocol represents a central element of the Council's corporate governance.

**Definitions**

- 4 Unless the context indicates otherwise, references to the term *Council* include the Executive, overview and scrutiny committees, and all other committees and sub-committees.
- 5 For the purposes of this protocol, the term *Executives* refers to the Leader and Cabinet.
- 6 Unless the context indicates otherwise, the terms *Member and Members* include non-elected (i.e. co-opted) Members as well as elected councillors.
- 7 *Officers and Employees* mean all persons employed by the Council.
- 8 Senior Officer means Chief Executive, Deputy Chief Executive, Chief Officers and Service Managers
- 9 *Designated Finance Officer* means the Section 151 officer (currently the Chief Accountant 1.1.13)

**Principles**

- 10 Members and officers must at all times observe this protocol.
- 11 The protocol has been approved by the Council's Standards Committee who will monitor its operation.
- 12 The protocol seeks to maintain and enhance the integrity (real and perceived) of local government which demands the highest standards of personal conduct.

- 13 Members and officers must always respect the roles and duties of each other. They must show respect in all their dealings by observing reasonable standards of courtesy, and by not seeking to take unfair advantage by virtue of their position.
- 14 Whilst Members and officers are indispensable to one another, their responsibilities are distinct. Members are accountable to the electorate and serve only as long as their term of office lasts. Officers are accountable to the Council as a whole. Their job is to give advice to Members (individually and collectively) and to carry out the Council's work under the direction of the Council.
- 15 The Council has adopted codes of conduct for both Members and officers. The following principles underpinning both codes of this protocol:-
  - Selflessness – serving only the public interest.
  - Honesty and integrity – not allowing these to be questioned; not behaving improperly.
  - Objectivity – taking decisions on merit.
  - Accountability – to the public; being open to scrutiny.
  - Openness – giving reasons for decisions.
  - Personal judgement – reaching one's own conclusions and acting accordingly
  - Respect for others – promoting equality; avoiding discrimination; respecting others (Member/Member, as well as Member/officer and officer/officer).
  - Duty to uphold the law – not acting unlawfully.
  - Stewardship – ensuring the prudent use of a council's resources.
  - Leadership – acting in a way which has public confidence.
- 16 Officers are bound by the Council's Code of Conduct for staff and in some cases by the codes of the professional associations.
- 17 Breaches of this protocol by a Member may result in a complaint to the Council's Standards Committee if it appears the Members' code has also been breached. Breaches by an officer may lead to disciplinary action.

### **The role of officers**

- 18 Officers are responsible for giving advice to Members to enable them to fulfil their roles. In doing so, officers will take into account all available relevant factors.
- 19 Under the direction and control of the Council (including, as appropriate, the Cabinet, committees and sub-committees), officers manage and provide the Council's services within the framework of responsibilities delegated to them. This includes the effective management of employees and operational issues.

- 20 Officers have a duty to implement decisions of the Council, the Cabinet, committees and sub-committees which are lawful, and which have been properly approved in accordance with the requirements of the law and the Council's constitution, and duly minuted.
- 21 Officers have a contractual and legal duty to be impartial. They must not allow their professional judgement and advice to be influenced by their own personal views.
- 22 Officers must assist and advise all parts of the Council. They must always act to the best of their abilities in the best interests of the authority as expressed in the Council's formal decisions.
- 23 Officers must be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for Members, the media or other sections of the public.
- 24 Officers have the right not to support Members in any role other than that of Member, and not to engage in actions incompatible with this protocol. In particular, there is a statutory limitation on officers' involvement in political activities

### **The role of Members**

- 25 Members have a number of roles and need to be alert to the potential for conflicts of interest which may arise between the roles. Where such conflicts are likely, Members may wish to seek the advice of senior colleagues, the relevant senior officer(s), and/or the Monitoring Officer.
- 26 Collectively, Members are the ultimate policy-makers determining the core values of the Council and approving the authority's policy framework, strategic plans and budget.
- 27 Members represent the community, act as community leaders and promote the social, economic and environmental well-being of the community often in partnership with other agencies.
- 28 Every elected-Member represents the interests of, and is an advocate for, his/her ward and individual constituents. He/she represents the Council in the ward, responds to the concerns of constituents, meets with partner agencies, and often serves on local bodies.
- 29 Some Members have roles relating to their position as Members of the Executive, overview and scrutiny committees or other committees and sub-committees of the Council.

- 30 Members of the Executive can have individual delegated powers. They may determine matters within their portfolios but implementation of their decisions is the responsibility of officers.
- 31 Members serving on overview and scrutiny committees/panels monitor the effectiveness of the Council's policies and services, develop policy proposals in accordance with their terms of reference.
- 32 Members who serve on other committees and sub-committees collectively have delegated responsibilities, e.g. deciding quasi-judicial matters which by law are excluded from the remit of the Executive.
- 33 Some Members may be appointed to represent the Council on local, regional or national bodies.
- 34 As politicians, Members may express the values and aspirations of the party political groups to which they belong, recognising that in their role as Members they have a duty always to act in the public interest.
- 35 Members are not authorised to instruct officers other than:
- through the formal decision-making process;
  - to request the provision of resources provided by the Council for Members' use;
  - where employees have been specifically allocated to give support to a Member or group of Members; and
- 36 Members are not authorised to initiate or certify financial transactions, or to enter into a contract on behalf of the Council.
- 37 Members must avoid taking actions which are unlawful, financially improper or likely to amount to maladministration. Members have an obligation under their code of conduct to have regard, when reaching decisions, to any advice provided by the Monitoring Officer or the designated Finance Officer.
- 38 Members must respect the impartiality of officers and do nothing to compromise it, e.g. by insisting that an officer change his/her professional advice.
- 39 Members have a duty under their code of conduct:
- to promote equality by not discriminating unlawfully against any person, and
  - to treat others with respect.
- 40 Under the code, a Member must not when acting as a Member or in any other capacity:
- bring the Council or his/her position as a Member into disrepute, or
  - use his/her position as a Member improperly to gain an advantage or disadvantage for his/herself or any other person.

### **The relationship between Members and officers: general**

- 41 The conduct of Members and officers should be such as to instil mutual confidence and trust.
- 42 The key elements are recognition of and respect for each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other, both publicly and privately.
- 43 Informal and collaborative two-way contact between Members and officers is encouraged. But personal familiarity can damage the relationship, as might a family or business connection.
- 44 Members and officers should inform the Monitoring Officer of any relationship which might be seen as unduly influencing their work in their respective roles.
- 45 It is not enough to avoid actual impropriety. Members and officers should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a personal relationship has been disclosed, those concerned should avoid a situation where conflict could be perceived. Specifically, a Member should not sit on a body or participate in any decision which directly affects the officer on a personal basis.
- 46 Officers serve the Council as a whole. They have a duty to implement the properly authorised decisions of the Council.
- 47 Officers will make every effort to give timely responses to Member's enquiries in accordance with the appropriate timescales set out in Paragraphs 105 - 111
- 48 An officer shall not discuss with a Member personal matters concerning him/herself or another individual employee. This does not prevent an officer raising on a personal basis, and in his/her own time, a matter with his/her ward Member.
- 49 Members and officers should respect each other's free (i.e. non-Council) time.

### **The Council as employer**

- 50 Officers are employed by the Council as a whole.
- 51 Members' roles are:
- the appointment of specified senior posts,
  - determining human resources policies and conditions of employment,
  - hearing and determining appeals.
- 52 Members shall not act outside these roles.
- 53 Participating in the appointment of officers, Members should:

- remember that the sole criterion is merit
- never canvass support for a particular candidate,
- not take part where one of the candidates is a close friend or relative,
- not be influenced by personal preferences, and
- not favour a candidate by giving him/her information not available to the other candidates.

54 A Member should not sit on an appeal hearing if the appellant is a friend, a relative, or an officer with whom the Member has had a working relationship.

### **Mayor and officers**

55 Officers will respect the position of Mayor and provide appropriate support.

### **Executive Members and officers**

56 Executive Members will take decisions in accordance with the constitution and will not otherwise direct staff. Senior officers will be responsible for instructing staff to implement the Executive's decisions.

57 In addition to individual Members of the Executive, senior officers (including the Monitoring Officer and the designated Finance Officer) have the right to submit papers to the Executive as a whole or to individual Executive Members for consideration.

58 Senior officers and Executive Members shall agree mutually convenient methods of regular contact. Before taking any formal decisions, the Executive will seek appropriate professional advice including, without exception, the Monitoring Officer and designated Finance Officer, and will not direct officers in the framing of recommendations.

59 Before any formal decisions with a financial implication are taken by the Executive, the Finance Officer and the senior officer(s) for the service(s) concerned must be consulted. This is to ensure that those officers who are budget holders:

- are aware of the proposed decision,
- have the opportunity to offer advice, and
- are subsequently able properly to authorise the financial transactions needed to implement decisions.

60 An individual Executive Member who is minded to write or commission a report or to make a decision about a matter within his/her portfolio must ensure that those other Members and officers who need to know of the matter are so informed. There is a particular requirement to involve other Executive Members on cross-cutting issues.

61 Executive Members when making decisions (whether collectively or individually) must state the reasons for those decisions. The written record of the decisions must include the reasons.

- 62 Officers taking decisions under their delegated powers must consider the advisability of informing the relevant Executive Member(s) of their intentions in advance when the matter to which the decisions relates is likely to be sensitive or contentious, or has wider policy implications.

### **Overview and Scrutiny Members and officers**

- 63 Chairmen and other leading scrutiny Members shall maintain regular contact with the officer(s) providing the principal support to the scrutiny function. In consultation with chairmen, it shall be the responsibility of the latter to ensure that those who need to know of matters being considered or for possible future consideration are so informed.
- 64 An Overview and Scrutiny Committee or its chairman acting on its behalf may require officers to attend scrutiny meetings. Members should not normally expect junior officers to give evidence. All requests should be made to senior officers in the first instance.
- 65 When making requests for officer attendance, overview and scrutiny Members shall have regard to the workload of officers.
- 66 It is recognised that officers required to appear before an Overview and Scrutiny Committee may often be those who have advised the Executive or another part of the Council on the matter under investigation. In these circumstances, an officer may have a conflict of interest. Both Members and officers need to consider the severity of the conflict. If deemed appropriate, research and advice may be sought elsewhere – from the Council’s overview and scrutiny support officers or externally.
- 67 Subject to 66 above, officers should be prepared to justify advice given to the Council, the Executive, or other committees and sub-committees even when the advice was not accepted.
- 68 Officers must also be prepared to justify decisions they have taken under delegated powers.
- 69 In giving evidence, officers must not be asked to give political views.
- 70 Officers should respect Members in the way they respond to Members’ questions.
- 71 Members should not question officers in a way which could be interpreted as harassment. Neither should they ask about matters of a disciplinary nature.
- 72 Overview and scrutiny proceedings must not be used to question the capability or competence of officers. Chairmen and Members need to make a distinction between reviewing the policies and performance of the Council and its services, and appraising the personal performance of staff. The latter is not an overview and scrutiny function.

- 73 In exercising the right to call-in a decision of the Executive, overview and scrutiny Members must seek officer advice if they consider the decision is contrary to the Council's approved plans, policies or frameworks, or is unlawful.

### **Members of other committees or sub-committees and officers**

- 74 The appropriate senior officers will offer to arrange regular informal meetings with chairmen, vice-chairmen, and spokesmen of committees and subcommittees.
- 75 Senior officers (including the Monitoring Officer and the designated Finance Officer) have the right to present reports and give advice to committees and sub-committees.
- 76 Members of a committee or sub-committee shall take decisions within the remit of that committee or sub-committee, and will not otherwise instruct officers to act.
- 77 At some committee or sub-committee meetings, a resolution may be passed which authorises a named officer to take action between meetings in consultation with the chairman. In these circumstances it is the officer, not the chairman, who takes the action and is responsible for it. A chairman has no legal power to take decisions on behalf of a committee or sub-committee, neither should he/she apply inappropriate pressure on the officer.

### **Party groups and officers**

- 78 Senior officers may properly be asked to contribute to deliberations of matters concerning Council business by party groups.
- 79 Officers have the right to refuse such requests, and will normally not attend a meeting of a party group where some of those attending are not Members of the Council.
- 80 Officer support will not extend beyond providing factual information or professional advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business, and therefore should not be expected to be present at meetings or parts of meetings when such matters are to be discussed.
- 81 Party group meetings are not empowered to make decisions on behalf of the Council, and conclusions reached at such meetings do not rank as formal decisions. The presence of an officer confers no formal status on such meetings in terms of Council business and must not be interpreted as doing so.
- 82 Where officers provide factual information and advice to a party group in relation to a matter of Council business, this is not a substitute for providing all

the necessary information and advice when the matter in question is formally considered by the relevant part of the Council.

- 83 It must not be assumed that an officer is supportive of a particular policy or view considered at a party group meeting simply because he/she has attended or provided information to the meeting.
- 84 Officers will respect the confidentiality of any party group discussions at which they are present and, unless requested to do so by that party group, will not relay the content of such discussions to another party group or to any other Members. This shall not prevent an officer providing feedback to other senior officers on a need-to-know basis.
- 85 In their dealings with party groups, officers must treat each group in a fair and even-handed manner.
- 86 Members must not do anything which compromises or is likely to compromise officers' impartiality.
- 87 The duration of an officer's attendance at a party group meeting will be at the discretion of the group, but an officer may leave at any time if he/she feels it is no longer appropriate to be there.
- 88 An officer accepting an invitation to the meeting of one party group shall not decline an invitation to advise another group about the same matter. He/she must give substantially the same advice to each.
- 89 An officer who is not a senior officer shall not be invited to attend a party group meeting, but a senior officer may nominate another officer to attend on his/her behalf.
- 90 An officer should be given the opportunity of verifying comments and advice attributed to him/her in any written record of a party group meeting.
- 91 No Member will refer in public or at meetings of the Council to advice or information given by officers to a party group meeting.
- 92 At party group meetings where some of those present are not Members of the Council, care must be taken not to divulge confidential information relating to Council business. Persons who are not Members are not bound by the Members' code of conduct. They do not have the same rights to Council information as Members.
- 93 Any particular cases of difficulty or uncertainty in relation to this part of the protocol should be raised with the Chief Executive and the relevant party group leader.

## Local Members and officers

- 94 To enable them to carry out their ward role effectively, Members need to be fully informed about matters affecting their ward. Senior officers must ensure that all relevant staff are aware of the requirement to keep Members informed, thus allowing Members to contribute to the decision-making process and develop their representative role.
- 95 This requirement is particularly important:
- during the formative stages of policy development, where practicable,
  - in relation to significant or sensitive operational matters,
  - whenever any form of public consultation exercise is undertaken, and
  - during an overview and scrutiny investigation.
- 96 Issues may affect a single ward. Where they have a wider impact, a number of local Members will need to be kept informed.
- 97 Whenever a public meeting is organised by the Council to consider a local issue, all the Members representing the wards affected should be invited to attend the meeting as a matter of course.
- 98 If a local Member intends to arrange a public meeting on a matter concerning some aspect of the Council's work, he/she should inform the relevant officer. Provided the meeting has not been arranged on a party political basis:
- an officer may attend but is not obliged to do so, and
  - the meeting may be held in Council-owned premises.
- 99 No such meetings should be arranged or held in the immediate run-up to Council elections.
- 100 Officers will not normally accompany Members to ward surgeries. However, if they do so:
- the surgeries must be open to the general public, and
  - officers should not be requested to accompany Members to surgeries held in the offices or premises of political parties.
- 101 Officers must never be asked to attend ward or constituency political party meetings.
- 102 It is acknowledged that some Council staff (e.g. those providing dedicated support to Executive Members) may receive and handle messages for Members on topics unrelated to the Council. Whilst these will often concern diary management, care should be taken to avoid Council resources being used for private or party political purposes.
- 103 In seeking to deal with constituents' queries or concerns, Members should not seek to jump the queue but should respect the Council's procedures. Officers

have many pressures on their time. They may not always be able to carry out the work required by Members in the requested timescale, and may need to seek instructions from their managers.

## **Member Enquiries**

- 104 It is acknowledged that there are a wide range and diversity, of enquiries that a Member may wish to pursue, this section offers guidance on the procedure relating most commonly received Member enquiries as follows.
- 105 Planning applications / planning enforcement: enquiries should normally be directed in the first instance to the case officer who will normally reply by email or telephone within three working days. Should the matter be of a particularly sensitive or complex nature the enquiry should be directed to the relevant team leader or the planning control Manager. Members are encouraged to check the planning section of the Councils website prior to contacting officers when seeking information on live planning applications.
- 106 Matters (other than live planning/ planning enforcement cases) related to a Member's own Ward: enquires should be sent by email to the Member Enquiries Mailbox, which will be acknowledged within 2 working days and a response should be provided within 10 working days. If further time is required to provide a response, the Member will be given an estimate of the length of time necessary to prepare a full response together with a brief explanation of the reason that a longer timescale is required. If a response is not provided by responsible officers to the staff responsible for the Members Enquiries Inbox, they should then escalate this to the Chief Officer or Chief Executive. Should the Member be unhappy with the explanation provided to them then this should be raised with a Chief Officer. Where a matter is considered by the Member to be particularly urgent and time is of the essence, Members should confirm this within their email to the Members Enquiries Mailbox.
- 107 Policy matters under active consideration by a Council body or any other matter directly relating to a report due to be considered by a Council body: enquires should be sent by email to the Member Enquiries Mailbox, which will be acknowledged within 1 working day and a response will aim to be provided before the relevant meeting. .
- 108 Complaints: enquires should be directed to the Democratic Service Manager, the Monitoring Officer or to the Chief Executive. Depending on the nature and severity of the issue, a response will be provided within three working days but in more complex cases an acknowledgement will be provided together with an estimation of the time likely to be required to fully address the matter.
- 109 Portfolio/political issues - such enquires should be directed to the Council Leader/Deputy leader or the relevant portfolio leader.

## **Members' access to documents and information**

- 110 This part of the protocol should be read in conjunction with the Access to Information Rules in the Council's constitution.
- 111 Members may request such information, explanation and advice as they may reasonably need to assist them to discharge their roles as Members. This may range from general information about some aspect of the Council's services to specific information on behalf of a constituent. Requests should be

sent by email to the Member Enquiries Mailbox, which will be acknowledged within 2 working days and a response should be provided within 10 working days. Where information is requested on behalf of a third party, it will only be provided if:

- it is in the public domain, and
- it is not barred by legislation from being given.

112 Every Member of the Executive, an Overview and Scrutiny Committee, and/or any other committee or sub-committee has a right to inspect documents about the business of that Overview and Scrutiny Committee, other committee or sub-committee or the Executive.

113 A Member who is not a Member of a specific Overview and Scrutiny Committee, other committee or sub-committee, or the Executive may have access to any document published by that specific part of the Council provided:

- he/she can demonstrate a reasonable need to see the documents in order to carry out his/her roles as a Member (the “need to know” principle), and
- the documents do not contain “confidential” or “exempt” information as defined by the law.

114 Disputes as to the validity of a Member’s request to see a document on a need to know basis will be determined by the Monitoring Officer. Officers should seek his/her advice if in any doubt about the reasonableness of a Member’s request.

115 A Member should obtain advice from the Monitoring Officer in circumstances where he/she wishes to have access to documents or information:

- where to do so is likely to be in breach of the Data Protection Act, or
- where the subject matter is one in which he/she has a personal or prejudicial interest as defined in the Members’ code of conduct.

116 Information given to a Member must only be used for the purpose for which it was requested.

117 It is an accepted convention that a Member of one party group will not have a need to know and therefore a right to inspect a document which forms part of the internal workings of another party group.

118 Members and officers must not disclose information given to them in confidence without the consent of a person authorised to give it, or unless required by law to do so.

119 When requested to do so, officers will keep confidential from other Members advice requested by a Member.

- 120 Members and officers must not prevent another person from gaining access to information to which that person is entitled by law.

### **Media relations**

- 121 All formal relations with the media must be conducted in accordance with the Council's agreed media relations guide and the law on local authority publicity.
- 122 Press releases or statements made by officers must promote or give information on Council policy or services. They will be factual and consistent with Council policy. They cannot be used to promote a party group.
- 123 Officers will keep appropriate Members informed of media interest in the Council's activities, especially regarding strategic or contentious matters.
- 124 Before responding to enquiries from the media, officers shall ensure they are authorised to do so.
- 125 Likewise, officers will inform the Council's communications unit of issues likely to be of media interest, since that unit is often the media's first point of contact.
- 126 If a Member is contacted by, or contacts, the media on an issue, he/she should:
- indicate in what capacity he/she is speaking (e.g. as ward Member, in a personal capacity, as an Cabinet Member, on behalf of the Council, or on behalf of a party group);
  - be sure of what he/she wants to say or not to say;
  - if necessary, and always when he/she would like a press release to be issued, seek assistance from the Council's press office and/or relevant senior officer, except in relation to a statement which is party political in nature;
  - consider the likely consequences for the Council of his/her statement (e.g. commitment to a particular course of action, image, allegations of jumping to conclusions);
  - never give a commitment in relation to matters which may be subject to claims from third parties and/or are likely to be an insurance matter;
  - consider whether to consult other relevant Members; and
  - take particular care in what he/she says in the run-up to local or national elections to avoid giving the impression of electioneering, unless he/she has been contacted as an election candidate or political party activist.

### **Correspondence**

- 127 Correspondence between an individual Member and an officer should not be copied to another Member unless the author expressly intends and states that this is the case or consents. Where correspondence is copied, this should always be made explicit, i.e. there should be no “blind” copies.
- 128 Official letters written on behalf of the Council should normally be in the name of the relevant officer. It may be appropriate in some circumstances (e.g. representations to a Government Minister) for letters to appear in the name of a Executive Member or the chairman of a Scrutiny Panel.
- 129 The Mayor may initiate correspondence in his/her own name.
- 130 Letters which create legally enforceable obligations or which give instructions on behalf of the Council should never be sent in the name of a Member.
- 131 When writing in an individual capacity as a ward Member, a Member must make clear that fact.

### **Use of Council resources**

- 132 The Council provides all Members with services such as printing and photocopying, and goods such as stationery and computer equipment, to assist them in discharging their roles as Members of the Council. These goods and services are paid for from the public purse. They should not be used for private purposes or in connection with party political or campaigning activities.
- 133 Members should ensure they understand and comply with the Council’s own rules about the use of such resources, particularly:
- where facilities are provided in Members’ homes at the Council’s expense;
  - in relation to any locally-agreed arrangements e.g. payment for private photocopying; and
  - regarding ICT security
- 134 Members should not put pressure on employees to provide resources or support which officers are not permitted to give. Examples are:
- business which is solely to do with a political party;
  - work in connection with a ward or constituency party political meeting;
  - electioneering;
  - work associated with an event attended by a Member in a capacity other than as a Member of the Council;
  - private personal correspondence;
  - work in connection with another body or organisation where a Member’s involvement is other than as a Member of the Council; and
  - support to a Member in his/her capacity as a councillor of another local authority.

## **Interpretation, complaints and allegations of breaches**

- 135 This part of the protocol should be read in conjunction with the Council “whistle-blowing” policy the Council.
- 136 Members or officers with questions about the implementation or interpretation of any part of this protocol should seek the guidance of the Monitoring Officer.
- 137 A Member who is unhappy about the actions taken by, or conduct of, an officer should:
- avoid personal attacks on, or abuse of, the officer at all times,
  - ensure that any criticism is well founded and constructive,
  - ensure that any criticism is made in private
  - take up the concern with the appropriate Chief Officer or Service Manager.
  - If the matter is of a particularly serious nature to inform the Leader and Chief Executive.
- 138 A serious breach of this protocol by an officer may lead to an investigation under the Council’s disciplinary procedure.
- 139 An officer who believes a Member may have acted other than in accordance with this protocol should raise his/her concern with their Chief Officer who may refer the matter to the Monitoring Officer. He/she will consider how the complaint or allegation should be dealt with. At a minor level, this may be no more than informally referring the matter to the leader of the relevant party group. More serious complaints may involve alleged breaches of the Members’ code of conduct, and may be referred to the Standards Committee.

## **Planning Member Code of Conduct**

### **1. Purpose**

The purpose of this Code is to:

- Provide Planning Committee Members with guidance on the parameters in which to act to be compliant with the Members Code of Conduct
- To minimise the risk of legal challenge of the Council's planning decisions
- Provide assurance to the public that planning decisions taken by the Council are sound.

This Code is addressed to Planning Committee Members.

This Code provides general advice and guidance. Situations may arise that are not explicitly addressed in this Code. If you have any doubts about the application of this Code to your own circumstances you should seek advice immediately from the Monitoring Officer, the Assistant Director Environment & Planning or the Planning Control Manager.

### **2. When the Code of Good Practice Applies**

This Code applies at all times when you engage in planning matters in your role as a Councillor, including (but not exclusively):

- Formal decision-making meetings
- Consultations with officers or the public
- Planning enforcement matters
- Site visits and informal discussions

If in doubt about how this Code applies to you, seek early advice from the Monitoring Officer, Assistant Director-Environment & Planning or Planning Control Manager.

### **3. Relationship to the Members' Code of Conduct**

Member's Code of Conduct: [184426 - KL Code of Conduct Feb 23.pdf](#)

**Do:**

- ✓ Follow the Member's Code of Conduct, including the seven principles of public life.
- ✓ Comply with rules on registering your interests.
- ✓ Comply with the rules on Gifts & Hospitality.
- ✓ Follow the 'Declaring an Interest and Managing any Conflicts Flowchart' [181981 - Interest](#)

[Flowchart.pdf](#)

## 4. Conflict of Interest

Disclosable pecuniary interests are those declared, or which should be declared, on your Register of Interest and which are referred to in the Member Code of Conduct.

The Member Code of Conduct also refers to 'Extended Registrable Interests' and 'Wider Interests'.

Wider Interests are not necessarily declared on your Register of Interest but must nonetheless be considered as part of managing whether you have a conflict of interest.

'Extended Registrable Interests'	a) any unpaid directorships (excluding the Council's Companies) b) any body (i) exercising functions of a public nature (ii) directed to charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management
'Wider Interests'	Where a matter directly relates to your financial interest or wellbeing (and is not a Disclosable Pecuniary Interest) or a financial interest or wellbeing of a relative or close associate.

### Do:

- ✓ Remember that interests include Disclosable Pecuniary Interest, Extended Registrable Interests and Wider Interests.
- ✓ Remove yourself from participation in decision-making where you have a conflict of interest, i.e. the planning matter directly relates to either your Disclosable Pecuniary Interest, Extended Registrable Interests and Wider Interests.
- ✓ Follow the 'Declaring an Interest and Managing any Conflicts Flowchart' [181981 - Interest Flowchart.pdf](#)
- ✓ Declare your interests early on.

### Don't:

- ✗ Act or participate in a planning matter where you have a conflict of interest, i.e. the planning matter directly relates to either your Disclosable Pecuniary Interest, Extended Registrable Interests and Wider Interests.
- ✗ Discuss your own applications with officers in your capacity as a Councillor or those of your close associates.
- ✗ Take part in decisions affecting land owned by you, a relative or a close associate.
- ✗ Use, or attempt to use, your position improperly for the personal advantage or disadvantage of yourself or anyone else.

## 5. Predetermination & Bias

X	Predetermination:	Where a public body fetters its discretion by deciding a matter in advance before the time and place it purports to take the decision. This includes where a Member on Planning Committee has made their decision with a closed mind or where the circumstances give rise to such a real risk of a closed mind that the decision should not, in the public interest, be upheld.
X	Presumed Bias:	Where a decision-maker has a direct financial interest (including both pecuniary and proprietary) in the outcome of the decision.
X	Actual Bias:	Where a decision-maker is shown, in fact and for whatever reason, to have been influenced in the decision-making by prejudice, predilection or personal interest.
X	Apparent Bias:	Where the fair minded and informed observer, having considered all the facts, would conclude that there was a real possibility of bias.
✓	Predisposed	Where there is a general leaning, including political leanings, towards a particular outcome before formally considering all the relevant evidence and arguments, so long as an open mind is kept to the possibility of changing position on the outcome after consideration of all the evidence and arguments.

### Do:

- ✓ Ask yourself: assuming there is no conflict of interest, is the view you hold mainly influenced by what is in the public interest or a personal interest? If it's the former you are most likely predisposed, if it's the latter you are most likely biased.
- ✓ Remember that the decisions you take are to be taken in convened Planning Committee meetings
- ✓ Keep an open mind – listen to all of the debate, hear all of the evidence before you, both the officers' presentation of the facts and their advice and the arguments from all sides decision before reaching a final decision
- ✓ Remember that decisions must be based on material planning considerations.
- ✓ Recognise that predisposition (having an initial view) is acceptable, but predetermination (having a fixed view before all evidence is considered) is not.
- ✓ Understand that you are entitled to express views on planning matters. Prior observations, apparent favouring or objections in respect of a particular outcome will not on their own amount to predetermination so long as you keep as open mind.
- ✓ Ensure transparency— avoid even the perception of bias.

- ✓ Choose whether you wish to speak as the Ward Member under Standing Orders OR act as a Member of the Planning Committee – you cannot do both.
- ✓ Carefully consider whether you should join special interest groups if you wish to preserve your ability to participate in Planning Committee decisions related to their causes

**Don't:**

- ✗ Publicly commit to a decision before considering all evidence.
- ✗ Take part in political discussions that seek to pre-agree a voting position.
- ✗ Take part in the decision-making at the Borough Council if you've been part of a decision on the same matter in another capacity, for example at a special interest group, a Parish Council or the County Council or equally where you wish to reserve your position to be part of the decision making process in a different capacity, i.e. choose the hat you wish to wear and keep the same hat on throughout
- ✗ Participate where the Council is the applicant or landowner and you have been a chief advocate for the development coming forwards as part of another role in the Council, for example a Cabinet Member
- ✗ Participate where you are a member, director, trustee etc of the applicant or in relation to an application that your other organisation has been a chief advocate for.
- ✗ Participate where you have a close connection to the applicant. This could be professional or personal and includes both cordial close connections and hostile connections.

## **5. Lobbying**

Lobbying is a normal part of the planning process. Those who may be affected by a planning decision, whether through an application, a site allocation in a development plan or an emerging policy, will often seek to influence it through an approach to their Ward Member or to a Member of the Planning Committee.

Lobbying, however, can lead to the impartiality and integrity of a Councillor being called into question, and so care and common sense must be exercised by all parties involved.

### **5.1 Lobbying of Councillors**

**Do:**

- ✓ Engage with lobbyists if you wish to do so but explain that you will be keeping an open mind so as not to prejudice your ability to participate in the decision-making.
- ✓ Do remember that your overriding duty is to the whole community not just to the people in your ward and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.
- ✓ Ensure fair engagement—avoid the perception of closed minded favoritism.
- ✓ Copy or pass on any lobbying correspondence you receive to the Planning Control Manager at the earliest opportunity.
- ✓ Promptly refer to the Planning Control Manager any offers made to you of planning gain or constraint of development, through a proposed s.106 Planning Obligation or otherwise.

- ✓ Report excessive lobbying efforts or improper approaches to the Monitoring Officer.
- ✓ If you elect to speak on behalf of a lobby group, applicant or objector then withdraw from the meeting once public speaking opportunities have been completed to counter any suggestion that Members of the Committee may have been influenced by your continuing presence.
- ✓ Carefully consider whether you should join special interest groups if you wish to preserve your ability to participate in Planning Committee decisions related to their causes
- ✓ Remember that, unless you have a disclosable pecuniary interest or overriding other personal conflict of interest or bias, you will be operating within this Code by:
  - listening or receiving viewpoints from residents or other interested parties;
  - making comments on your views to residents, interested parties, appropriate officers or other Members (subject to the rules on lobbying other Members) whilst being aware that you must keep an open mind;
  - seeking information through appropriate channels; or
  - being a vehicle for the expression of opinion of others in your role as a Ward Member.

**Don't:**

- ✗ Accept gifts, hospitality, or offers of advantage from lobbyists where a reasonable suspicion of influence to show them favour could arise.
- ✗ Express views in a way that prejudices an application.
- ✗ Allow yourself to be put in a position where your integrity could be compromised – for example being invited to speak at a developer's presentation. If in doubt – speak to the Monitoring Officer Assistant Director for Planning & Environment or the Planning Control Manager.

## **5.2 Lobbying by Councillors**

**Do:**

- ✓ Ensure that any public engagement or social media use does not indicate a closed mind. Be aware of the power of social media posts or re-posting which can give the impression that you will vote in a certain way
- ✓ Disclose any affiliations with groups that have made representations on an application or proposal, or that promote special interest campaigns, such as the RSPB.

**Don't:**

- ✗ Attempt to persuade fellow Members to vote a certain way.
- ✗ Allow political group discussions to dictate planning votes.
- ✗ Take part in political discussions that seek to pre-agree a voting position.
- ✗ Participate as a Planning Committee Member on an application in relation to which you have actively lobbied or campaigned for or against – or a group on which you sit has actively lobbied for or against. This is not intended to capture having views or opinions about a development but where your course of conduct shows that you are a chief advocate for or

against the development.

## 6. Engagement with Applicants, Developers & the Public

### Do:

- ✓ Direct applicants and other parties to officers for procedural or technical advice.
- ✓ Remember that your engagement with any parties will likely be disclosed by them at some stage within the application process
- ✓ If you intend to meet with an applicant and participate in the decision-making process, ask the Planning Control Manager to organise the meeting so that an officer attends to record the meeting and disclose details of the meeting when it is considered by the Planning Committee.
- ✓ Consider whether or not it would be prudent in the circumstances to make notes when contacted; and
- ✓ Report to the Planning Control Manager any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them so that this is recorded on the planning file.
- ✓ Do be aware that a presentation is a form of lobbying and, whilst you may express any view on the merits or otherwise of the proposal presented, you should never state how you or other Members would intend to vote at a Committee Meeting.

### Don't:

- ✗ Arrange private meetings with developers or objectors when there is a live application being processed if you intend to take part in the decision determining the application.
- ✗ Attend developer-led presentations without an officer present.

## 7. Site Visits

Formal site visits are part of the decision-making process and therefore need to be regulated to ensure the soundness of the decision.

Site visits are for observing the site and gaining a better understanding of the issues. They should not be used as a lobbying opportunity by objectors or supporters. This will be made clear to any members of the public who are there.

Once you become aware of a proposal you may be tempted to visit the site alone. In such a situation, you are only entitled to view the site from public vantage points and you have no individual rights to enter private property.

### Do:

- ✓ Treat site visits as fact-finding opportunities to seek information and to observe the site.
- ✓ Ensure all observations are reported back to the Committee – any information acquired by one Member must be shared with the whole Committee for sound decision making.
- ✓ Do ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.

**Don't:**

- ✗ Engage with applicants, objectors, or the public during site visits.
- ✗ Express personal opinions or views about the merits of the application at the site visit; save them for deliberations back at the convened Planning Committee
- ✗ Participate in the Planning Committee decision on an application if you missed the site visit.
- ✗ Don't enter the site outside the formal site visit process, even with the applicant's invitation, without an officer present as this can lead to the perception of bias. This will also enable a record to be kept for the benefit of all Planning Committee Members.

## **8. Public Speaking at Meetings**

**Do:**

- ✓ Do ensure that you comply with the Council's procedures in respect of public speaking.

**Don't:**

- ✗ Allow members of the public to communicate with you during the Committee's proceedings (orally, in writing, including through the passing of messages/notes, or by social media) other than through the scheme for public speaking or through the Chair.
- ✗ Participate in social media or exchanges by texting during the Committee's proceedings as this may give the impression of undue external influence and may give the appearance of bias.

## **9. Officers & Decision-Making**

### **9.1 Working with Officers**

**Do:**

- ✓ Recognise that officers act impartially and should not be pressured into recommendations.
- ✓ Respect the Member/Officer Protocol and officers' professional independence.
- ✓ Recognise that officers are part of a management structure and only discuss a proposal with the officer identified for this purpose.
- ✓ Recognise and respect that officers must act in accordance with the Officer Code of Conduct

and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence.

**Don't:**

- X** Seek to influence officers to alter reports or recommendations for personal or political reasons.
- X** Put pressure on officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views which may be incorporated into any Committee report).
- X** Do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the Council in relation to a planning matter.

**9.2 Decision-Making**

**Do:**

- ✓ Follow planning law and policies, making decisions based on material considerations.
- ✓ Give clear reasons for your decision based on material planning considerations, particularly if they differ from officer recommendations.
- ✓ Make decisions in accordance with Development Plans unless material considerations support a different decision. Be ready to articulate those reasons at the Planning Committee meeting.
- ✓ Provide your reasons for inclusion in the report to the Committee where you request a proposal to go before the Committee rather than be determined through officer delegation (call-in).
- ✓ Come to meetings with an open mind and demonstrate that you are open-minded.
- ✓ Come to your decision after due consideration of all of the information and deliberations at the Planning Committee meeting. If you feel there is insufficient time to digest new information or that information is missing, request that further information or take advice from the Planning Control Manager on proposing to defer.

**Don't:**

- X** Vote unless present for the whole item.
- X** Introduce new information after the issue of Committee agenda papers without having previously raised the information with the Planning Control Manager.

**10. Training Requirement**

**Do:**

- ✓ Attend mandatory training before participating in decision-making.
- ✓ Continue ongoing planning training to stay informed of policy and legal changes.

Agreed at Full Council 27<sup>th</sup> March 2025

**Don't:**

**X** Take part in decisions if you haven't completed the mandatory training.

**BOROUGH COUNCIL OF KING'S LYNN AND WEST NORFOLK**

**MEMBERS CODE OF GOOD PRACTICE FOR LICENSING**

**1. INTRODUCTION**

- 1.1 This Code has been prepared and adopted for the guidance of Councillors in their dealings with licensing matters.
- 1.2 The aim of this code is to ensure that, in the licensing process, there will be no grounds for suggesting that a licensing decision has been biased or otherwise not well founded. This document supplements the Members Code of Conduct.
- 1.3 This Code applies to all members of the Licensing Committee and Licensing and Appeals Board, substitutes and officers.
- 1.4 The process of arriving at decisions on licensing matters must be open and transparent and the involvement of both Officers and Members must be clearly understood. The main principles which Members should have clear regard for are: -
- Your overriding duty as a Councillor is to all residents of the Borough Council area and in relation to licensing issues to help ensure that the council's licensing policies and statutory objectives are achieved.
  - Your role as a member of the licensing authority is to make decisions openly, impartially, with sound judgement, and for justifiable reasons.
  - Whilst you may be strongly influenced by the views of others and of your party in particular it is your responsibility alone to decide what view to take on any question which councillors have to decide.
  - When acting in your capacity as a Councillor you must have regard to the Council's adopted Code of Conduct.
- 1.5 If you have any doubts regarding whether this code of conduct for members or officers applies to their particular circumstances then you should take advice at the earliest possible opportunity from the Monitoring Officer or from a member of her staff. Any such advice should be sought well before any licensing meeting takes place.

**2. RELATIONSHIP TO THE MEMBERS' CODE OF CONDUCT**

- 2.1 The Members' Code of Conduct sets out the standards of behaviour expected of Councillors and the requirements in relation to the declaration of interests in the Members Register of Interests and at meetings. Not only should impropriety be avoided but also any appearance or ground for suspicion of improper conduct. When considering any licensing matter you should have primary regard for the Code, and particularly the requirement to properly declare all interests.
- 2.2 If you do not follow and apply the code then you may put the Council at risk of proceedings challenging the legality of the decision made and yourself at risk of sanction if there has been a failure to comply with the adopted Members' Code of Conduct.

**3. DECLARATION OF INTERESTS UNDER THE MEMBERS' CODE OF CONDUCT**

When considering licensing matters Members may find that they need to;

- declare interests in accordance with the requirements of the adopted Code of Conduct

or

- indicate whether or not they may have come to a fixed view on an application prior to the meeting (i.e. pre-determination)

- 3.1 The existence and nature of any interest should be disclosed in accordance with this Code at any Licensing Committee or Licensing and Appeals Board and any informal meetings or discussions with officers and any other Members.
- 3.2 Members should preferably disclose their interest at the commencement of the meeting and not at the beginning of the discussion on that particular matter. Members receive papers for a licensing hearing prior to the hearing. Where Members read the papers and realise that they have an interest, Members should, where possible, contact Democratic Services so that a replacement Member can be found.
- 3.3 Members should notify the Monitoring Officer in writing of an interest and ensure that such notification should be no later than submission of that application and ensure that a proper record of the interest is noted at any meeting.
- 3.4 Where you have a Disclosable Pecuniary Interest (Your pecuniary interests (or those of your spouse/partner), are business interests; for example their employment, trade, profession, contracts, or any company with which you are associated and wider financial interests that you have for example trust funds, investments, and assets including land and property):

**Do not** participate or give the appearance of trying to participate in the making of any decision by the Licensing Authority.

**Do not** get involved with the processing of the application and direct any queries to the relevant officer.

**Do not** seek or accept preferential treatment or place yourself in such a position so as members of the public would think you are receiving preferential treatment because of your position as a Councillor. You may need to identify another local member who is prepared to represent local interests

**Do** note that there is a requirement to leave the room whilst the item is being discussed.

#### **4. PRINCIPLES FOR A FAIR HEARING**

The following general principles apply to the conduct of hearings by the Licensing Committee and Licensing and Appeals Board:

- (a) All parties have a right to a fair hearing
- (b) Each application shall be treated on its own merits
- (c) Decisions shall be lawful, proportionate, non-discriminatory, open and transparent
- (d) Decisions shall be made on the basis of the following considerations:
  - i. The merits of the application
  - ii. The promotion of the licensing objectives
  - iii. The relevant policies adopted by the Council
  - iv. Guidance issued from the Home Office or other Government bodies
  - v. The Human Rights Act

#### **5. PRE-DETERMINATION**

The allowance made for Councillors to be predisposed to a particular view is a practical recognition of:

- (a) The role played by party politics in local government and
- (b) The need for Councillors to inform constituents of at least an initial view on a matter as part of their public role
- (c) The structure of local government which ultimately requires the same Councillors to make decisions.

Section 25 of the Localism Act 2011 introduces provisions for dealing with allegations of bias or pre-determination or matters that otherwise raise an issue about the validity of a decision, where the decision maker(s) had or appeared to have a closed mind (to any extent) when making the decision.

Councillors can listen to views expressed by applicants, objectors and licence holders, but should try to ensure that they are acting in an even handed manner.

## **6. CONTACT WITH APPLICANTS, OBJECTORS AND LICENCE HOLDERS**

**Do** refer those who approach you for licensing, procedural or technical advice to officers.

**Do not** agree to any formal meeting with applicants, objectors and license holders or any other parties involved in the licensing process. Where you feel that a formal meeting would be useful in clarifying the issues, such presentation or discussion should be part of a structured arrangement organised by officers. The officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action and the record of the meeting is disclosed when the application is considered by the Committee.

## **7. LOBBYING OF MEMBERS**

Lobbying is a normal and perfectly proper part of the political process: those who may be affected by a licensing decision may seek to influence it through an approach to their elected ward Member or a Licensing Committee/Sub-Committee member. However, lobbying can, unless all parties concerned exercise care and common sense, lead to the impartiality and integrity of the Member being called into question.

Licensing Members should not attend private meetings with applicants or groups of objectors on their own. Such meetings, if considered helpful in order to clarify issues, should be arranged by or attended by relevant licensing officers so that those present at the meeting can be advised from the outset that the discussions will not bind the Council as licensing authority to any particular course of action and to ensure the meeting is properly recorded on the application file and disclosed when the matter is reported. The same principle applies to formal presentations which are sometimes requested by applicants particularly on major applications. Such presentations are a form of lobbying and whilst Licensing Members at such events may quite properly ask questions and seek clarification about the proposals, they should not express views or indicate how they are likely to vote when the matter comes before the Sub-committee.

**Do** remember that your overriding duty is to the whole community and not just the people in your own particular ward

**Do** explain to those lobbying or attempting to lobby you that whilst you can listen to what is being said it prejudices your impartiality and may affect your ability to participate in the Committee's decision making to express an intention to vote one way or another.

**Do not** accept any gifts or hospitality from any person or group involved in or affected by a proposal. Whilst a degree of hospitality may be unavoidable, members must ensure that such hospitality is of a minimum and its acceptance is declared as soon as is possible.

**Do** copy or pass on any lobbying correspondence you receive to the Chief Officer at the earliest opportunity.

**Do** inform the Monitoring Officer where you feel that you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality) that may require an investigation.

**Do** note that you will not have pre-determined a matter or breached this Code if:

- You have listened or have received views from residents or other interested parties;
  - You have made comments to residents, interested parties, other Members or appropriate officers, provided the comments have not amounted to a pre-determination of the issue and you have made it clear that you are keeping an open mind;
  - You have sought information through appropriate channels;
- or
- You are being a vehicle for the expression of opinion or speaking at the meeting as a Ward/Local Member, provided that you explain your actions at the beginning of the meeting or item and make it clear that, having expressed the opinion or ward/local view.

## **8. LOBBYING BY MEMBERS**

It is recognised that Members who represent a ward affected by a particular application are in a difficult position particularly if it is a controversial application around which a lot of lobbying takes place. There is a balance to be struck between the duties to be an active ward representative and the overriding duty as a Councillor to the whole community. In these circumstances;

Being a ward Member does not in itself constitute an interest in an application or create a risk of apparent bias. Providing the ward Member does not have a disclosable pecuniary interest or prejudicial interest in applications or providing there is nothing to indicate any risk of bias or predetermination, a ward Member's local knowledge may in fact give an additional insight to an application and its implications on the licensing objectives. Ward members may use their local knowledge to ask relevant questions and clarify facts.

## **9. SITE VISITS BY MEMBERS**

Sites inspections are occasionally helpful in reaching a decision on issues where site circumstances are clearly fundamental to that decision as outlined below. Any site visit should be with the Sub-Committee/Panel and include officers, applicant, applicant's representative, objectors, and any other person present at the hearing.

**Do** ensure that you treat the site visit only as an opportunity of seeking information and to observe the site.

**Do** ask the officers questions and seek clarification from them on matters, which are relevant to the site inspection, but this is not the time for a debate.

**Do not** hear representations from any other party at the site visit.

**Do not** express opinions or views to anyone at a site visit.

**Do not** enter a site other than on an official site visit, even if it is in response to an invitation, as this may give the impression of bias.

**Do** stay with the rest of the Members officers and other parties during a site visit –it ensures that all members and persons affected by a decision see, hear and are able to comment on the site visit.

## **10. CONDUCT AT HEARINGS**

- 10.1 Members of the Licensing Committee and Licensing and Appeals Board should not communicate directly with the applicant, licence holder, interested party or responsible authority either immediately prior to the hearing, during the hearing or after the hearing, other than publicly through the Chairman.
- 10.2 Officers at the Hearing should refrain from engaging with the other parties at the Hearing, other than to offer procedural or housekeeping advice.
- 10.3 Questioning of those present is to clarify arguments and views and care should be taken not to express a view at this stage of the hearing, nor to intimidate speakers.
- 10.4 Any material considered at the hearing, that does not comprise any material supplied by the Licensing Authority must be tabled through the Chairman and the nature of any such material must be clear to all present at the hearing and available for inspection.
- 10.5 All questions, comments and requests during the hearing must be directed through the Chairman.

## **11 MEMBERS RELATIONSHIP WITH OFFICERS**

**Do** recognise and respect that officers in the processing and determining of licensing matters must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct. You should therefore appreciate that officer' views, opinions and recommendations will be based on their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions and decisions of a committee or its members.

**Do** consider the Council's protocol for member/officer relationships, which governs the working relationship you have with officers. This is a relationship based on mutual trust and courtesy, and all meetings should be guided by this principle.

## **12. DECISION MAKING BY MEMBERS**

**Do** come to a meeting with an open mind on a matter and do demonstrate that you are open-minded.

**Do** make decisions in accordance with the Council's Licensing Policy and Statutory Objectives and guidance.

**Do** come to your decision only after due and proper consideration of all of the information reasonably required upon which to base a decision. If you feel that there is insufficient time to consider new information or there is insufficient information before you then you should request that further information and, if necessary, defer the application.

**Do** not ~~vote or~~ take part in a discussion at a meeting or make a decision unless you have been present for the entire meeting or for the whole of the matter in question. If a member needs to leave a meeting for a short period, such as for a comfort break, that member should seek an adjournment.

**Do** ensure that the reasons you give for a decision are your reasons. You cannot ask an officer to give the reasons for you. An officer may assist in the drafting of your reasons.

**Do** not engage in social media or electronic communications, passing or receiving notes during the meeting.

### **13. SANCTIONS**

A failure to adhere to the Code gives rise to potential consequences to individual Members. Any allegation of a serious breach of this Code should be made in writing to the Monitoring Officer.

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



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

## **Members' Allowances Scheme 2025/29**

## **MEMBERS' ALLOWANCES SCHEME**

**The Borough Council of King's Lynn and West Norfolk, in exercise of the powers conferred by the Local Authorities (Members' Allowances (England)) Regulations 2003, makes the following scheme:**

### **1. The Scheme**

This Scheme, which is called the Borough Council of King's Lynn and West Norfolk Members' Allowances Scheme, was originally adopted commencing on 23 October 2003 and was approved for subsequent years.

The allowances payable through the scheme will be subject to an annual inflationary increase in line with the percentage increase in staff salaries based on Spinal Column Point 43.

### **2. In this Scheme**

"Councillor" means an elected member of the Borough Council of King's Lynn and West Norfolk.

"Year" means any period of 12 months ending on 31<sup>st</sup> March.

Only those allowances permitted by this scheme are payable to Members of the Borough Council of King's Lynn and West Norfolk and any Co-optees appointed by the Council.

### **3. Basic Allowance**

Subject to paragraph 9, which deals with part year entitlements, a Basic Allowance will be paid in monthly instalments to each Councillor each year. The current rate is shown in Appendix A.

### **4. ICT Allowance**

An ICT Allowance (current rate shown at Appendix A) is paid, in the same way and as a supplement to Basic Allowance, as a contribution towards costs Councillors may incur for the provision of home office facilities. Items covered might be broadband, mobile data, a printer plus ink and paper, etc. Each Councillor has the option to decide how best to spend this allowance

### **5. Special Responsibility Allowances**

Each year a Special Responsibility Allowance will be paid to those Councillors who hold the special responsibilities that are specified in Appendix A.

Subject to paragraph 9, the amount of each allowance will be the amount specified in Appendix A.

A Councillor is only eligible to receive one Special Responsibility Allowance.

### **6. Carers Allowance**

A carers allowance will be paid towards the cost of care of dependent relatives (be they

children, elderly people or people with disabilities). The amounts that can be claimed must reflect the sum incurred in employing a carer to enable a Councillor to carry out their Council work (as defined by point 7 of the Local Authorities (Members' Allowances) (England) Regulations 2003. The maximum claim levels are shown in Appendix B. All claims must be accompanied by evidence that the amount claimed has been incurred in employing a carer. A carer will be any responsible adult. Medical evidence must be provided for the need to pay the higher rate of allowance.

## **7. Co-Opted Members**

Co-opted members are entitled to claim travelling, subsistence and carers allowances at the rates set out within this Scheme. A Co-optees Allowance is payable as determined by the Council. Any such allowances are shown in Appendix A.

## **8. Renunciation**

A Councillor may elect to forego any part or all of their entitlement to an allowance under this Scheme by notifying the Democratic Services Manager in writing.

## **9. Part-year entitlements**

If, during the course of a year:

- this Scheme is amended;
- or the amount payable is changed;
- or a Councillor becomes, or ceases to be, a Councillor;
- or a Councillor accepts or relinquishes a special responsibility for which a Special Responsibility Allowance is payable (eg from Annual Council)

entitlement to allowances will be calculated pro-rata **in accordance with the Regulations**, i.e. by reference to the number of days in the year in question. A year, for the purposes of this scheme, commences on 1 April.

If changes are made to the allowances Members are entitled to receive, the allowance payable will be that which was applicable when the duty was undertaken, with the exception of a backdated annual increase.

## **10. Travel Allowance**

This allowance is intended to reimburse expenditure necessarily incurred on all journeys undertaken on approved duties as set out in Appendix B. Mileage allowances will be those recommended by HMRC.

A journey for these purposes will start and end at a Councillor's permanent place of residence, usually the one that was used to demonstrate that the Councillor qualified to stand as a candidate. This may be amended if a Councillor makes a permanent move within the Borough. Should the Councillor make a permanent move to a place outside the Borough he/she may only claim from the nearest Borough boundary to the location of the approved duty unless it results in a shorter journey, for example where the approved duty is located outside the Borough boundary. A Councillor may not claim from a location other than their home address unless it results in a shorter journey.

## **Private Vehicles**

Where travel is by car, motorcycle or bicycle an allowance is payable and the conditions applying are as follows:

- (a) (for car or van only) a passenger supplement for official passengers is paid per passenger per mile, up to a maximum of 4 passengers;
- (b) Councillors will be responsible for ensuring that they have adequate insurance cover for business use and otherwise ensure that they have an appropriate licence to drive, that their vehicle has a current MOT and that vehicle tax has been paid at the time any journey is undertaken;
- (c) the rates payable are shown in Appendix B.

### **Hired Motor Vehicles (Taxi Cab)**

The actual fee and any reasonable gratuity, will be paid in cases of urgency or where no convenient public service is available. Otherwise an allowance not exceeding the amount of the fare for travel by appropriate public service transport will be paid.

### **Hired Motor Vehicle (other than a Taxi Cab)**

The actual cost of hiring for the period of Council duty will be paid.

### **Motorcycle**

Travel by motorcycle will be reimbursed at the rate set out in Appendix B.

### **Bicycle**

Travel by bicycle will be reimbursed at the rate set out in Appendix B.

## **Public Service Transport**

### **By Bus**

Actual fares paid will be reimbursed.

### **By Rail**

Councillors should take advantage of low fares where possible but in any case standard class fare or actual fare paid (if less) will be reimbursed. Reimbursement of first class fare will be paid only where it is clearly in the Council's interest for a Councillor to travel first class and approval has been given in advance by the Chief Executive. Councillors may choose to travel first class travel at their own expense.

Councillors who are eligible to hold a Senior Citizens Rail Card and **regularly** travel by rail on formal Council business can purchase them specifically by prior agreement with the Democratic Services Manager and be reimbursed by the Council through the expenses claim mechanism.

Appropriate supplementary expenditure will be reimbursed such as seat reservation or a day ticket for travel on TfL London Underground.

### **Air Travel**

**Subject to the prior agreement of the Chief Executive** that the saving in time justifies payment of the fare for travel by air, there may be paid an amount not exceeding:-

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

in case of urgency, the fare actually paid by the Councillor.

## **11. Subsistence Allowance**

Subsistence allowances will be payable in connection with the carrying out of approved duties as set out in Appendix B and will be the same as, and linked to, the rates for officers. Allowances are only payable if expenditure has been incurred and any claim for subsistence must be supported by a receipt wherever possible. The circumstances in which this allowance is payable are as follows :

### **Meal Allowances**

Breakfast Allowance - absence over 4 hours before 11.00am

Lunch Allowance - absence over 4 hours including lunch period between 12 noon and 2.00pm

Tea Allowance - absence over 4 hours including period 3.00pm to 6.00pm

Evening Meal Allowance - absence over 4 hours ending after 7.00pm.

### **Meals on Trains**

When there is normal entitlement, as above, for day subsistence, the cost of main meals (i.e. breakfast, lunch, tea, dinner) taken on trains will be reimbursed. In such circumstances this reimbursement will replace the maximum entitlement to the day subsistence allowance for the appropriate meal provided receipts are submitted.

### **General**

The time elapsed should be calculated on a "door to door" basis, but time spent on non-council business must be deducted.

Where a Councillor is provided with a meal the appropriate meal allowances cannot be claimed.

## 12. Duties performed for more than one body

A Councillor who is both a Borough Councillor and a Member of another local authority or public body may claim allowances from both authorities should he or she undertake two separate duties, one for each authority, on the same day. A member of the Borough Council who is also a member of another authority may not however claim from both authorities for undertaking the same duty. Councillors must take particular care to avoid duplication or overlap of claims for travelling and subsistence. Claims for duties undertaken for other Councils or public bodies should be sent to the Authority concerned and not included in claims on the Borough Council.

## 13. Official and Courtesy Visits

**Provided they have been approved by the appropriate Council Body**, official and courtesy visits by Councillors are eligible for travelling and subsistence claims at the rates set out in Appendix B if the journey is within the United Kingdom. If outside the United Kingdom, the travelling and subsistence expenses are limited to those which are reasonable in each circumstance.

## 14. Prior Approval

The appointment of a Councillor to a Panel, Committee, Sub-Committee or Working Group, etc, or as a representative of the Council on other bodies is deemed to satisfy the need for prior approval before a claim can be submitted.

## 15. Claims and Payments

A claim for travel, subsistence and carers allowances under this Scheme should be made each month, but in any event not less than quarterly. Councillors will be advised of the deadline for each month's payment and **Claims must be received by 12 noon on the day of the month so indicated** in order to be paid in that month.

**Claims for travel, subsistence and carer's allowances should be claimed within 3 months of carrying out the duty or incurring the expense. Wherever possible Members should aim to submit claims within the relevant financial year, ie claims relating to a particular financial year should be submitted by the payroll deadline for April.**

The basic, ICT and special responsibility allowances will be paid monthly in instalments of one-twelfth or the amount specified in this Scheme. Changes to entitlements part way through the scheme year will be calculated as set out in Paragraph 9 and will be adjusted in the earliest available pay run(s) following the change. NB. Changes agreed at Annual Council in May will not be paid until June and will be backdated to the date the appointment takes effect.

Where a Councillor ceases to hold office any overpayment of allowances will be sought by alternative methods **except in the case of death in office**, in which case no claim for overpayment of allowances will be made on the deceased's estate.

If claims are made erroneously they will be amended by the Democratic Services Manager, and the Councillor concerned will be informed.

If a Councillor has been inadvertently overpaid under the terms of this Scheme, that Councillor (or former Councillor if the person has ceased to be a Member of the authority) will be advised of the situation and arrangements will be made for the recovery of the overpayment.

Claims for reimbursement of expenses incurred, including mileage, must be accompanied by a VAT receipt. To be valid, a receipt must:

- be dated on or prior to the date of travel
- cover the whole miles travelled (the councils uses the calculation of eight miles to each litre of fuel)
- have a VAT registered number on it
- must be the original receipt and must not be marked 'this is not a VAT receipt'

Fuel receipts must be marked with the Councillor's name and claim month/s covered by the receipt and must be submitted in the month of the claim to the pink drop box in Democratic Services.

Subsistence claims submitted without a receipt will be subject to tax as applicable.

Councillors are reminded that responsibility for the accuracy and propriety of claims rests with the individual Councillor making the claim. The Council's Section 151 Officer reserves the right to audit Councillors' claims.

## **16. Records**

A record will be kept of the payments made by the Council in accordance with this Scheme. The record will specify the name of the recipient and the amount and nature of each payment. This record will be available at all reasonable times for inspection (free of charge) by any local government elector for the Borough. The Scheme, together with current rates for each allowance, and amounts paid to each Councillor under the Scheme will be published on the Council's website. All such payments will be published annually and in the case of Travel, Subsistence and Carers' Allowances will be published monthly.

## **17. Income Tax and Social Security Provisions**

All fixed allowances, i.e. those that do not rely on expenditure being incurred, are classed as a taxable emolument for PAYE purposes and income tax and National Insurance contributions will be deducted as appropriate. Other allowances such as business mileage are set within sums advised by HMRC as not liable to tax, including travel between home and the Town Hall where a Councillor's home is within 20 miles of the area boundary\*. In the case of Subsistence and Carers' Allowances, these are paid as reimbursement of sums incurred whilst wholly, necessarily and exclusively engaged on Council business.

(\*Home to Council Offices is taxable where a Councillor's home is more than 20 miles from the area boundary)

**ALLOWANCES FOR THE YEAR COMMENCING 1 APRIL 2025**

<b>ALLOWANCE</b>	<b>AMOUNT P.A.</b>
<b>ALLOWANCES PAID TO ALL COUNCILLORS</b>	
Basic Allowance	£9,360
ICT Allowance	£218
<b>SPECIAL RESPONSIBILITY ALLOWANCES</b>	
<u>Leader of Council and Chairman of Cabinet</u>	£28,081
Deputy Leader	£15,445
Cabinet Members	£12,636
<u>3 Policy and Review Panels &amp; Audit Committee</u>	
Chair	£5,616
Vice Chair	£1,966
Audit Committee independent co-opted Member	£242 per Audit Committee Meeting
<u>Planning Committee</u>	
Chair	£11,232
Vice Chair	£3,931
<u>Licensing and Appeals Board and Licensing Committee</u>	
Chair	£4,212
Vice Chair	£1,895
<u>Standards Committee</u>	
Chair	£1,404
Vice Chair	£491
Co-Optee	£30 per hour (capped at a total of 70 hours)
Mayor	£9,828
Deputy Mayor	£3,440
Larger Opposition Group Leader	£2,853
Larger Opposition Group Deputy Leader	£1,283
Other Opposition Group Leader(s)*	£1,223
Other Opposition Group Deputy Leader(s)*	£550

Chairman of King's Lynn Area Consultative Committee	£936
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\*minimum of six members

## APPROVED DUTIES FOR THE PURPOSE OF TRAVEL, SUBSISTENCE AND CARERS' ALLOWANCES

Allowances are only paid in respect of approved duties. Certain approved duties are set out in the statutes, and others specified by the Council. The relevant allowance for travelling, subsistence and carers allowance are payable for the following duties:

- (i) meetings of the Council
- (ii) meetings of the Cabinet of the Council
- (iii) meetings of any Scrutiny Groups and other formally constituted Bodies of the Council
- (iv) any other meeting the holding of which is authorised by the Council or the Cabinet or other formally constituted Body of the Council, provided that one or more minority party Members have been invited
- (v) meetings of bodies of which the Council is a member, a funder or a subscriber, and on which the Member is the nominated representative of the Council
- (vi) conferences, seminars or meetings approved by the appropriate Council Body or Board and open to all Members, the prime purpose of which is either to discuss matters relating to the interests and functions of the Council or inhabitants of the Borough, or to assist Members to understand and carry out their duties more effectively
- (vii) organised official visits within or outside the Borough, as approved in advance by the relevant Council Body, including deputations to government departments and meetings with MPs on Council business
- (viii) sifting meetings and site visits by Chairs and Vice Chairs in connection with agenda business and tender opening
- (ix) meetings of senior officers to which a Member is invited to deal with Council business

Travel (as per HMRC figures to be found on gov.uk)

Private Vehicles	45p per mile (0 - 10,000 miles, 25p thereafter)
Plus for every passenger (max 4) for whom a travel allowance would be payable	5p per mile
Public Transport	Actual cost not exceeding first class fare
Motor Bike	24p per mile
Bicycle	20p per mile

Maximum Subsistence Allowance for absence exceeding 4 hours from normal place of residence

Breakfast ending before 11.00am	£6.72
Lunch, including Noon - 2.00pm	£9.28
Tea, including 3.00pm - 6.00pm	£3.67
Dinner ending after 7.00pm	£11.49

Child and Dependant Carers' Allowance – Reimbursement of actual cost to a maximum of the living wage hourly rate per hour for childcare, £12.21 from 1<sup>st</sup> April 2025.  
Up to £30.00 per hour for qualified Agency Care.

## **MEMBERS' ALLOWANCES – Income Tax and National Insurance Aspects**

The amount of personal allowance and the bands that determine which rate is payable for tax purposes, and the rates of National Insurance contributions payable, varies in each tax year and Councillors are recommended to use gov.uk for this data, not least because there are too many variables to cover in this document. The rules for income tax are applied to the year that income was earned, not when it was paid, whereas National Insurance is due at whatever rate prevails at the time of payment.

### **Income Tax**

Basic, Special Responsibility, Carers and ICT Allowances are classified as taxable emoluments under PAYE arrangements. Tax relief can be obtained for expenses incurred in the performance of the duties of a Borough Councillor to the extent that they are not specifically reimbursed. Councillors must liaise direct with HMRC in this regard.

Generally, expenditure incurred by Councillors in the course of their duties must have been wholly, necessarily and exclusively incurred and be supported by receipts however HMRC may consider partial tax relief for such things as household expenses because a Councillor's home is also his/her place of work.

It is up to each Councillor to negotiate any tax relief with HMRC as circumstances will vary person to person.

Income Tax will be deducted from Basic, Special Responsibility and Carers' Allowances at the rate as instructed by HMRC by way of issuing a tax code.

Councillors should bear in mind that the amount of tax due is determined by personal circumstances. HMRC will aggregate all taxable earnings and usually apply a personal allowance of tax free earnings to the main source. For example, a Councillor in other full time employment will be entitled to an annual tax free sum (personal allowance) which will be applied to those earnings. Councillor allowances will then be taxed in full at the standard or higher rate of tax, as appropriate.

Any enquiries relating to tax relief or any other tax query should be addressed to :

Pay As You Earn  
HM Revenue & Customs  
BX9 1AS  
United Kingdom  
Telephone number: 0300 2003300

This is a national call centre. Councillors in receipt of other taxable income such as a salary from their main place of work, a private pension or income from other sources are advised to have to hand their various HMRC reference or include them with any correspondence. The Council's reference is 531/W789

### **National Insurance**

Basic, Special Responsibility and Carers Allowances also come within the definition of remuneration for National Insurance purposes. There are several defined limits relating to National Insurance below or above which no contributions are due. Payment of National

Insurance during a qualifying period also determines whether a Councillor qualifies for a variety of Statutory allowances such as Sick Pay and Maternity Pay. Where a Councillor does not qualify for such allowances there may still be other benefits that can be claimed.

Councillors in receipt of the state pension are not liable to pay National Insurance contributions. An exemption certificate or proof of age may be required to ensure such exemption is effected and a copy forwarded to Payroll.

National Insurance contributions are due on each qualifying employment. Councillors who have more than one employment or are both employed and self-employed may be able to apply to HMRC for a refund of National Insurance contributions paid over the annual maximum. This cap exists to ensure that broadly, a person with more than one employment does not pay more National Insurance contributions than a person with only one employment on the same earnings. This will apply if the combined earnings are over the Upper Earnings Limit, the threshold above which National Insurance contributions is payable at a lower percentage rate. (Councillors should apply for a refund not dispensation, National Insurance is payable on earnings over the Upper Earnings Limit but at a reduced %).

A reduced national insurance rate is payable by some married women and certain widows under age 60. Any member so entitled will already hold a "Certificate of Election" issued by the DSS and should be forwarded to Payroll.



# Guidance for Councillors Appointed to Outside Bodies

This guidance is intended to help Councillors understand their duties when appointed to outside bodies. This guidance applies to Members who have been appointed to Outside Bodies by the Council. A Role Profile setting out the expectation of Members on Outside Bodies is also included in this Guide.

## 1. General

Membership on outside bodies can take various forms. If you are appointed to an outside body by the Council this could be as:

- a member of a committee
- director of a board
- trustee
- observer
- monitoring role
- advisory role

## 2. Directors/Trustees

Members appointed in a decision-making capacity, a position of general control, or management of a body, owes their duties and responsibilities to that body, which are separate and distinct from duties owed to the Council. On occasion it is likely that these duties will conflict, and Members should be aware of the interests they may have to declare.

The key point to note, is that where Councillors are carrying out their duties as a trustee, director, or management committee member, they may take into account the wishes of the Council, but their primary duty is to act in the best interests of the organisation to which they have been appointed.

## 3. Observer/Monitoring/Participant Roles

Councillors, as community leaders, have an important role to fulfil in supporting and advising outside bodies. Many roles are observing or monitoring roles, or as an ordinary member of a group. In this case any exchanges of views or information should be as an extension of your councillor duties, and you should not be taking part in the outside body's management or governance, other than to attend and vote at meetings as required. Members should be aware of conflicts of interests, particularly if a body is seeking or receiving funding from the Council.

## 3. The General Role of all Councillors Appointed to Outside Bodies

All Councillors should ensure that the work of the Outside Body they are appointed to links in with the Corporate Strategy and Corporate Priorities of the Council and gives value to the Community. If Councillors feel that it is inappropriate for them to continue representing the Council on the Outside Body they should inform Democratic Services and the Monitoring Officer.

#### **4. Issues to consider before appointment**

Before putting yourself forward for an outside body appointment you should familiarise yourself with the work of the organisation and the level of commitment required. Information is available from Democratic Services on the role of the organisation, or many organisations will have a website where you can find out more about what they do.

Councillors also need to consider whether they are willing to be appointed to participate formally in the management of external organisations, for example as a director, trustee or voting member, and the level of commitment this role will require.

Councillors who serve on more than one outside body need to be mindful of potential conflicts of interest between the bodies as well as with the Council.

#### **5. Application of the Code of Conduct for Members**

The Code of Conduct, which forms part of the Constitution, provides information and obligations on Councillor's dealings with outside organisations. The Code does apply when a councillor is acting as a representative of the Council on an outside body.

#### **6. Insurance Cover for Borough Councillors**

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 or 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.

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.

#### **7. Appointments to Outside Bodies**

At the Borough Council, appointments to outside bodies are made as follows:

Cabinet will make Executive Appointments.

Policy Review and Development Panels will nominate Members to serve on outside bodies which fall within their remit, which are then approved by Council.

Parish level representation and general appointments are made by Council.

Reports are taken to the above bodies early in the Municipal Year. If you are interested in putting yourself forward to serve on an outside body, please contact your Group Leader.

## **8. Reporting arrangements for Members Appointed to Outside Bodies**

**Cabinet Members and Executive Appointments** Cabinet Members serving on outside bodies will report via their Cabinet Members' Reports to Council.

Non Cabinet Members who have been appointed to Executive positions will be required to provide an update to the relevant Portfolio Holder on a six monthly basis for the Portfolio Holder to include in their Cabinet Members Report to Council.

### **Scrutiny Nominations (approved by Council)**

The Panels will request reports/updates from Councillors serving on outside bodies which fall within their remit and these will be scheduled onto the Work Programme on an Annual basis.

### **Appointments made by Full Council**

All Members are required to submit an annual report (or more frequently if there are things to report) to Democratic Services which will be published in the Members Bulletin to inform fellow Councillors of the work of the Outside Body.

Members will also be required to respond to periodical questionnaires asking for feedback on the work of the Outside Body.

### **All Outside Body Appointments**

All Members appointed to Outside Bodies will be expected to liaise with the appropriate Assistant Director on a regular basis to update them on any issues or risks that could impact the Council. Assistant Directors and Councillors will be provided with a list of which Service Area each Outside Body should report to.

If at anytime Members feel that the work of the Outside Body is likely to bring the Council into disrepute or have any urgent concerns relating to the work of the Outside Body these should be reported to the Monitoring Officer immediately rather than waiting for a periodical update.

If multiple Councillors are appointed to the same Outside Body only one representative will be required to submit a feedback report to avoid repetition. Councillors may also like to consider inviting Outside Bodies to provide an update to the relevant Committee or Panel as required.

## **9. Allowances and Expenses**

Mileage and subsistence is claimable for Councillors attending meetings of outside bodies that they have been appointed to by the Council.

## **10. Further Advice**

Further advice is available from Democratic Services and the Monitoring Officer.

## **Role Profile – Member Representatives on Outside Bodies**

A Member representative on an Outside Body is required to:

1. Make themselves aware of what the Outside Body expects from them and ensure that they act within their remit e.g. observer, director, Trustee etc. In so doing, a representative may seek information from the Outside Body in relation to its Constitution, Terms of Reference, Accounts etc.
2. Operate within the rules and Constitution of the Outside Body
3. Attend meetings as the Council's representative as required.
4. Report regularly to the Council on the activities of the Outside Body; the impact of those activities on the Borough Council and liaise with the relevant Borough Council officers if they are aware of any risks or issues which may impact the Borough Council or the Outside Body. Reporting arrangements are included in the Guide above.
5. Ensure that they are representing the views of the Council and its Corporate Priorities and not representing the views and political position of their own political party.
6. Declare any disclosable pecuniary interests that relate to your public duties and abide by the Code of Conduct.

You must not:

1. Improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.
2. place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
3. Make commitments on behalf of the Council, financial or otherwise.

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



# FINANCIAL REGULATIONS

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**Next Review due – June 2019**

## 1. INTRODUCTION

- 1.1 These Regulations are intended to ensure that the Council meets its statutory obligations regarding financial management, especially in respect of the financial aspects of Corporate Governance. The Accounts and Audit Regulations require that there are arrangements in place to ensure that the Council has a sound system of internal control, which includes:
- Arrangements for the management of risk, in accordance with the Council's Risk Management Policy; and
  - Arrangements to conduct a review at least once a year of the effectiveness of its system of internal control, including an Annual Governance Statement with the annual statement of accounts, produced in accordance with the Accounts and Audit Regulations.
- 1.2 Throughout these regulations, references to:
- Chief Finance Officer refers to the Assistant Director (s151 Officer) or her delegated representative;
  - Council includes all wholly owned Local Authority Companies, where the regulations are adopted by the Company Board;
  - Cabinet, Council Body, Leader, Portfolio Holder, Head of Paid Service and Monitoring Officer are as defined in the Council's Constitution;
  - Members of staff or employees includes individuals who are acting on the Council's behalf, as consultants or contractors;
  - Management Team is the Chief Executive, Chief Officers and Assistant Directors;
  - Chief Officers includes Assistant Directors;
  - Audit Manager refers to the person recognised as undertaking the role of Chief Audit Executive to comply with the Public Sector Internal Audit Standards (PSIAS).
- 1.3 These regulations apply to all employees and Members of the Council as well as any consultant or contractor acting as if they were Council employees. All Members and employees have a general responsibility to provide for the security of Council assets under their control and for ensuring that the use of resources is legal, properly authorised and achieves best value.
- 1.4 Financial Regulations are to be used in conjunction with Contract Standing Orders and the Scheme of Delegation. The Chief Finance Officer, in consultation with the Monitoring Officer, shall determine any matter on which conflict may arise.
- 1.5 Every Chief Officer must consult the Chief Finance Officer on any matter which would result in a variation to the overall budget agreed by Members at the annual budget meeting before any provisional or actual commitment is incurred.

- 1.6 The Chief Finance Officer, for the purposes of Section 151 of the Local Government Act 1972 and Section 114 of the Local Government Finance Act 1988 is responsible, under the general direction of the Cabinet, for the proper administration of the Council's financial affairs.
- 1.7 As the Council's financial and economic adviser, the Chief Finance Officer will report on the level of resources proposed to be utilised in each financial year and keep the Council informed regarding the Council's finances and financial performance.
- 1.8 The Council is responsible for periodically making and amending Financial Regulations as it considers necessary and desirable for supervising the finances, accounts, income, expenditure and assets of the Council. In accordance with the Council's Scheme of Delegation, minor amendments to these Regulations can be made by the Chief Executive, in consultation with the Leader.
- 1.9 Nothing in these Financial Regulations will prevent the Chief Executive, in consultation with the Leader, the Chief Finance Officer and the Monitoring Officer from incurring expenditure required to meet any immediate needs created by a sudden emergency under Section 138 of the Local Government Act 1972, subject to such action being reported to the Council as soon as practicable thereafter.
- 1.10 The Chief Finance Officer will, after consultation with the Head of Paid Service (the Chief Executive) and the Monitoring Officer, report to the Council's Standards Committee any identified unauthorised case of non-compliance with these Financial Regulations by a Council Member. The Chief Finance Officer and the Monitoring Officer will review with the Council's Standards Committee the application of Financial Regulations as part of the ethical health of the Council.
- 1.11 It is the responsibility of each Chief Officer to ensure that all staff within their service area are aware of and comply with the requirements of these Financial Regulations. Failure to observe these Regulations may be classified as misconduct justifying disciplinary action.
- 1.12 All transactions must be carried out with regard to the Council's Anti-Fraud and Anti-Corruption Strategy. The Council's Whistleblowing Policy and Fraud Response plan provide a means to report and investigate cases of suspected fraud and corruption.

## 2. **AUDIT**

### **INTERNAL AUDIT**

- 2.1 Under S151 of the Local Government Act 1972, the Chief Finance Officer must ensure that there are arrangements for the proper administration of the financial affairs.

The Accounts and Audit Regulations 2015 s5(1) more specifically require authorities to undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes, taking into account public sector auditing standards or guidance.

- 2.2 Internal Audit is an independent and objective appraisal function, established to review the systems of internal control. All internal audit work will be carried out in accordance with the Public Sector Internal Audit Standards (PSIAS) to examine, evaluate and report upon the adequacy of internal control as a contribution to the proper, economic, efficient and effective use of resources

- 2.3 Internal Auditors have the authority to:

- Access any Council premises, assets, records, documents and correspondence and control systems
- Receive any information and explanation related to any matter under consideration.
- Require any employee of the Council to account for any cash, stores or any other asset under his/her control.
- Access records belonging to third parties (e.g. contractors) when required.
- Directly access the Chief Executive, Leader and Audit Committee Chair.

- 2.4 Any officer or Member of the Council must, if required:

- Make available such documents or assets of the Council which appear to the auditor to be necessary for the purposes of the audit or investigation;
- Supply any auditor (whether internal or external) with such information and explanations as the auditor considers necessary for their purpose;
- Allow entry to auditors (whether internal or external) at all reasonable times to any Council premises or land.

- 2.5 Whenever any matter arises which involves or is thought to involve financial or other irregularity, the relevant Chief Officer concerned must immediately notify the Chief Finance Officer, Monitoring Officer or the Audit Manager. These members of staff will take such steps as they consider necessary to investigate the matter, including notifying the police.

- 2.6 Where a member of staff identifies a potential fraud or irregularity, they should follow the guidance in the Council's Whistleblowing Policy and Anti-Fraud and Anti-Corruption Strategy.

- 2.7 Any such matter which involves, or is thought to involve, a Member of the Council, will be discussed by the Chief Finance Officer or Audit Manager with the Monitoring Officer and the Chief Executive, who together will decide what course of action then needs to be followed.

### **EXTERNAL AUDIT**

- 2.8 The basic duties of the external auditor are to review and report on the Council's financial statements and the financial aspects of the Council's corporate governance arrangements. The external auditor must be satisfied that the Statement of Accounts give a 'true and fair view' of the financial position of the Council and its income and expenditure for the year in question, and complies with legal requirements.
- 2.9 External auditors will be appointed in accordance with the Local Audit and Accountability Act 2014 and subsequent related regulations, using an option agreed by Full Council.
- 2.10 The Council may, from time to time, also be subject to audit, inspection or investigation by other external bodies, such as HM Revenue and Customs, who have statutory rights of access.
- 2.11 The appointed external auditors and other statutory inspectors must be given reasonable access to premises, personnel, documents and assets considered necessary for the purposes of their work.

### **3. BUDGETS**

- 3.1 The Council shall approve the Council's policy framework and budget in accordance with Article 4 of the Constitution.

### **PRUDENTIAL MANAGEMENT**

- 3.2 Under s151 of the Local Government Act 1972, the Chief Finance Officer is responsible for the soundness of the Council's financial systems, the form of accounts and the supporting financial records. Changes made by any level of management to the existing financial systems or the establishment of new systems must be approved by the Chief Finance Officer.
- 3.3 The Chief Finance Officer, in consultation with Management Team, must each year produce and make public:
- A medium-term plan showing a five year forward assessment of all revenue commitments and
  - A medium term plan showing a five year projection of capital resources in line with the CIPFA Prudential Code.

- 3.4 The plans must reflect any known changes in service level resulting from changes in Council priorities arising from changes in legislation or policy, demographic trends or resources. Budgets must aim to ensure that resources are matched to agreed Council priorities and prudent level of reserves are maintained.
- 3.5 Chief Officers must, having consulted the Chief Finance Officer, ensure that Cabinet reports proposing new or increased spending contain the following information:
- the annual revenue consequences of any decision ;
  - the implications of the proposal on the medium-term plan
  - identification and evaluation of any financial risk implications.
- 3.6 Council approval is required for key decisions.
- 3.7 Where an Chief Officer or portfolio holder proposes:
- (a) a new policy, or
  - (b) a variation of existing policy, or
  - (c) a variation in the means or timescale of implementing existing policy
- that affect or may affect the Council's finances, they must submit a report to the Cabinet, including any financial risk implications, which will then report the matter to the Council.
- 3.8 All budgets are subject to cash limits as set out in the Cash Limit Rules (Appendix 4). In the event of any budget likely to be overspent or income not achieved, the Management Team will be responsible for providing for a transfer of funding from elsewhere to compensate for any deficit. A holistic approach will be taken to ensure an overall balance is achieved and funds are not underutilised when operational activities require funding. The transfer of funding will be subject to the guidelines set out in Appendix 1 to these Regulations.
- 3.9 The Chief Finance Officer must ensure that the accounting arrangements to be adopted relating to any alternative delivery models are satisfactory. In conjunction with the Monitoring Officer, he must also consider whether the appropriate Chief Officer has adequately considered the overall corporate governance and legal issues and that risks have been fully appraised when arranging contracts or formal agreements with external bodies.

- 3.10 Chief Officers shall control income and expenditure within their service area and monitor performance, taking account of the financial information provided by the Chief Finance Officer and advice received from the Financial Services Team. They shall report on variances within their own areas and take action to avoid exceeding their budget allocation, and alert the Chief Finance Officer to any problems.
- 3.11 Chief Officers shall ensure that:
- Their staff receive relevant training on the use of the financial systems as approved by the Chief Finance Officer.
  - Staff have been identified and authorised to act on that person's behalf in respect of payments, income collection and placing orders, together with limits of their authority.

### **REVENUE BUDGETS**

- 3.12 The Chief Finance Officer will approve the detailed corporate form and content of revenue service estimates, in line with the general directions of the Cabinet and after consultation with Management Team.
- 3.13 The Chief Finance Officer must prepare revenue estimates of income and expenditure in conjunction with the Chief Officers. The estimates will be collated and submitted by the Chief Finance Officer to Management Team and then to the Cabinet with Management Team's comments. The report(s) will show how the estimates comply with the Council's approved financial plan. Approval of the budget is the function of the Council.
- 3.14 Copies of all proposed Cabinet reports must be passed to the Chief Finance Officer in sufficient time for her to adequately consider the budget implications of any proposals.
- 3.15 The Chief Finance Officer will provide each Chief Officer and portfolio holder with details of receipts and payments under their control by means of a corporate financial management system. This is for the purpose of monitoring the budget heads under their control.
- 3.16 Portfolio holders may transfer monies in accordance with the Ground Rules for Budget Transfer (Appendix 1).
- 3.17 If an urgent or unanticipated revenue need arises, the proposal will be reported to Members as part of the monthly Budget Monitoring Report.

### **CAPITAL BUDGETS**

- 3.18 Prior to the annual consideration of revenue estimates, the appropriate Chief Officer and the Chief Finance Officer, in consultation with the relevant portfolio holder, must prepare and submit to the Cabinet a programme of estimated capital expenditure for consideration (the Capital Programme).

3.19 Expenditure is classified as capital expenditure when it results in the acquisition or construction of an asset that:

- (i) Will be held for use in the delivery of services.
- (ii) Is expected to be used during more than one financial year.

Subsequent expenditure on existing assets is also classed as capital expenditure if these two criteria are met.

There may be instances where expenditure does not meet this definition but would nevertheless be treated as capital expenditure, including:

- Where the Council has no direct future control or benefit from the resulting asset, but would have treated the expenditure as capital if it did control or benefit from the resulting assets.
- Where the Government has given explicit permission to capitalise expenditure that would not otherwise be classified as such.

3.20 The Cabinet will make recommendations as appropriate to the Council for final approval. Where new capital projects are proposed that have revenue implications, these must be assessed and included in the revenue budgets.

3.21 Once Council has approved the Capital Programme, the Chief Officer concerned will be authorised:

- (a) to instruct the Property Services Manager to acquire, in due time, any land necessary for the purposes of the programme.
- (b) to prepare a detailed scheme and estimate including associated revenue expenditure. Any unanticipated Revenue implications, arising after approval of the scheme, must be dealt with in line with the Ground Rules for Budget Transfer (Appendix 1 of these Regulations).

3.22 If an urgent or unanticipated capital need arises, the proposal will be reported to Members as part of the monthly Budget Monitoring Report and included in the next Capital Programme update.

3.23 The Chief Finance Officer will provide Chief Officers with monthly financial monitoring statements in respect of each approved capital project including details of any known commitments.

#### **4. ACCOUNTING**

4.1 The Chief Finance Officer must approve all accounting procedures and records, including the implementation of any new ICT or automated accountancy system. Where these are maintained in a service area other than that of Financial Services, these will be agreed in consultation with the appropriate Chief Officer.

4.2 Any member of staff intending to revise or replace any accounting procedure or record (including local procedures or records) must obtain the approval of the Chief Finance Officer beforehand.

- 4.3 At all times, the central accounting system will take precedence. Where local accounting records are maintained, these should be reconciled to the general ledger at regular intervals, in order to ensure that the two records accurately show the financial and associated information recorded in them are correct.
- 4.4 All accounts and accounting records of the Council (including local accounts or accounting records) will be compiled by or be under the direction of the Chief Finance Officer, with the annual accounts being produced within the time limit required by the relevant Accounts and Audit Regulations.
- Officers are responsible for ensuring:
- all known items of expenditure are reported in the correct financial year;
  - items are coded to the appropriate codes to accurately record expenditure and income.
  - Any payments in kind are recorded fully, with no netting off.
- 4.5 An Chief Officer or other responsible member of staff must ensure that expenditure and income under his/her control is properly accounted for and allocated to the correct budget. Budget holders must monitor their cost centre's performance throughout the year and discuss any major unanticipated discrepancies (either favourable or adverse) with the Chief Finance Officer at the earliest opportunity.
- 4.6 In order to provide an adequate separation of duties, the following principles must be observed in the allocation of accounting duties:
- (a) Individuals who identify, calculate, or record sums due to or from the Council should not, as far as is practically possible, collect or disburse them;
  - (b) Staff examining or checking the accounts of the above transactions must not themselves undertake any of the duties shown in 4.6 (a) above.
- 4.7 All invoices or documents relating to financial transactions must be retained for the minimum period set out in the Corporate Retention Policy in order to ensure that the necessary records are available for audit or examination by external agencies, as required.
- 4.8 Chief Officers must supply required information in the form and within the time-scale required by the Chief Finance Officer for accounting purposes, in order to ensure that the financial transactions of the Council are recorded as soon and as accurately as possible.

## **5. BANKING ARRANGEMENTS AND CHEQUES**

- 5.1 The Chief Finance Officer is responsible for all banking arrangements. No other employee or Member is authorised to open or operate a bank account on the Council's behalf.
- 5.2 The Chief Finance Officer is responsible for ordering and maintaining the safe custody of all cheque stationery and credit cards until allocated to authorised individuals.
- 5.3 Cheques on the Council's main bank accounts, including Girobank accounts, will bear the facsimile signature of the Chief Finance Officer or be signed by him or her or such other officer who has been authorised by her to do so.
- 5.4 Cheques for all payments exceeding £50,000 must be counter-signed by one of the employees authorised to do so by the Chief Finance Officer.
- 5.5 No alterations to cheques may be made.
- 5.6 The bank accounts will be reconciled to the accounting records every month.
- 5.7 Monies retained prior to banking must be accounted for using daily income returns (where appropriate) and held in a safe on the premises until collected or banked.
- 5.8 Where the amount of money held in a safe exceeds the level of cover currently available, the Insurance Officer must be informed.
- 5.9 Income returns (where appropriate) must be completed by and verified by a senior member of staff on a daily basis.
- 5.10 As each cash and cheque bag is handed to the courier service for banking, a receipt should be obtained indicating the value and bag reference number. All copies of cash collection paperwork must be retained.

## **6. TREASURY MANAGEMENT**

- 6.1 Treasury Management will operate in accordance with the procedures and reporting requirements set down in CIPFA's "Code for Treasury Management in Local Authorities" and other appropriate codes. The Chief Finance Officer is responsible for all banking arrangements. No other employee or Member is authorised to open or operate a bank account on the Council's behalf.
- 6.2 All executive decisions on borrowing, investment or financing are delegated to the Chief Finance Officer. All money accruing to the Council must be aggregated for the purposes of treasury management and must be controlled by the Chief Finance Officer.

- 6.3 In accordance with the Code, the Chief Finance Officer must inform Cabinet of the activities of the treasury management operation at least half-yearly and on the exercise of treasury management powers delegated to her by 30th September of the succeeding financial year.
- 6.4 An Annual Treasury Management Strategy will be proposed by the Chief Financial Officer and presented to Council for approval after being considered through the Council's scrutiny process by March of the preceding financial year.
- 6.5 This Strategy is required to comply with CIPFA's Codes of Practice on Treasury Management and the Prudential Framework for Capital Finance, relevant Regulations and will set the parameters within which investment and borrowing activity will be managed during the forthcoming financial year.

## 7. **INCOME**

- 7.1 The Chief Finance Officer has overall responsibility for processing or collecting all income due to the Council. All income received will be recorded in a form approved by her and in accordance with the requirements of the Accounts and Audit Regulations. The preferred means of receiving payment is by electronic methods, in particular direct debit, and cheques must only be accepted as a last resort.
- 7.2 Each Chief Officer must, for their service area, maintain comprehensive records as to work done, goods supplied, services rendered and amounts due to the Council as required by the Chief Finance Officer.
- 7.3 All invoices must be raised via the corporate system. Sufficient information to allow all amounts due to be correctly recorded and collected must be provided to the debtors function within 10 working days of the work being done or services rendered to enable an invoice to be raised.
- 7.4 Prompt, appropriate action will be taken to ensure all monies due to the Council are recovered in full, in a timely fashion. Where payment of outstanding monies is not forthcoming, action, including legal action, may be taken to recover and secure these sums.
- 7.5 In exceptional circumstances where electronic methods of payment are not used, all money received by a member of staff on behalf of the Council must be banked in its entirety (i.e. without any deductions) at the earliest opportunity (i.e. no more than one week from the date of receipt). All paying-in slips must show a reference to the related debt (such as the receipt number or the name of the debtor) or the origin of the cheque. The name of the relevant service area or a reference to the related debt must be written or printed on the reverse of each cheque.
- 7.6 Personal cheques must **not** be cashed out of money held on behalf of the Council.

- 7.8 Every transfer of official money from one member of staff to another must be recorded by the recipient and signed by both members of staff involved in the transaction.
- 7.9 The writing off of irrecoverable debts can only be authorised by the Chief Finance Officer in accordance with the Council's Scheme of Delegation, including authority as delegated by her.
- 7.10 Scales of fees and charges within the Council's control must be reviewed at least annually. The Council has delegated authority to the Chief Officer of the appropriate services (in consultation with the Chief Finance Officer, the relevant portfolio holder and the Leader) to vary the charges having regard to market conditions and the Council's policy framework.

## **8. EMPLOYMENT STATUS INDICATOR (ESI)**

- 8.1 Before placing an order with an individual it is compulsory to determine their employment status. The term 'employment status' refers to whether a worker (who we are more likely to term a supplier or contractor) is employed or self-employed. This affects the tax and National Insurance Contributions (NICs) that are due on their income. If this is not correctly determined it could lead to the Council having to pay extra tax, NICs, interest and possible penalties at a later stage.
- 8.2 Whether a person is employed by the Council or self-employed will depend on the terms and conditions of our working relationship with them and it is our responsibility for determining their employment status. Employment status is not a matter of choice for either the Council or the individual (the worker). It is a matter of fact, based on key terms and conditions of our working relationship with them. Even if a contractor/supplier says s/he is self-employed, if the facts indicate otherwise then the worker may be our employee.
- 8.3 The procedure is attached as **Appendix 3** and only applies to individuals for services, not for goods or limited companies.
- 8.4 Note that it is necessary to check the status **before** engaging the supplier and agreeing the contract/ terms of work being undertaken. The Council could be subject to penalties from HMRC for non-compliance.
- 8.5 **It is the responsibility of Service Managers to ensure compliance with this procedure for services within their areas of responsibility.**

## **9. CONSTRUCTION INDUSTRY SCHEME (CIS)**

- 9.1 The Council is deemed to be a Contractor by HMRC. Therefore any supplier engaged to carry out works covered by the CIS Scheme is sub-contracting to the Council and must be registered for the Scheme. The Scheme covers a large spectrum of works, ranging from general building works to laying turf on sports fields.
- 9.2 As a contractor the Council is responsible for sending monthly returns to HMRC showing which suppliers have been engaged and also for sending any tax deductions made from the supplier to HMRC.
- 9.3 There are three types of sub-contractor:
- Gross – no deductions made
  - Net – 20% deductions made on labour
  - Net – 30% deductions made on labour.
- 9.4 Before engaging any suppliers, the Council needs to ensure they have registered for the Scheme. For this it is necessary to obtain their Unique Tax reference number, National Insurance number or Company Registration number. Financial Services will verify the supplier with HMRC to determine which type of sub-contractor they are.
- 9.5 Financial Services can provide a list of previously verified suppliers and the type of works they carry out. If you are unsure whether the works are covered by the scheme please ask before engaging the supplier as a deduction of 30% from the labour element of the supplier's invoices, if they are not registered.

## **10. ORDERS FOR WORK, GOODS AND SERVICES**

- 10.1 All purchases must be made, or contracts let, in full compliance with the Council's Contract Standing Orders.
- 10.2 The requirements of European and domestic legislation must be followed where appropriate. For interpretation of the legislation, guidance should be sought from the Procurement Team.
- 10.3 Each order must conform to the directions of the Council with respect to central purchasing and the standardisation of supplies and materials where rules on these exist.
- 10.4 Orders must be raised using the Purchase Order Processing (POP) system. Manual orders can only be used in exceptional circumstances. Verbal orders may only be given as a matter of true urgency and must be confirmed by a POP order without delay, irrespective of the value of the order.

- 10.5 Orders must be placed in such a way as to ensure that the best interests of the Council are met. Under no circumstances must they be split or disaggregated to avoid the Council's requirements, EU competition requirements, Contract Standing Orders or these Financial Regulations.
- 10.6 Any requirement to comply with ESI (Financial Regulation 8) and CIS (Financial Regulation 9) must be considered before an order is raised.
- 10.7 The POP order must be raised prior to the goods or services being requested from the supplier to ensure the order number can be provided to the supplier to be included on the invoice.
- 10.8 Official orders must not be used for any personal or private purchases, nor must personal or private use be made of Council contracts.
- 10.9 Chief Officers can authorise staff to raise orders but this does not delegate their responsibility for official orders issued from their service.
- 10.10 The names of staff permitted to raise or authorise orders must be submitted to the Chief Finance Officer, together with agreed authorisation limits, and specimen signatures. Authorisation details must be amended as a result of any change of staff and/ or structure.
- 10.11 Each Chief Officer is responsible for ensuring that the cost of orders are within the overall approved estimates and that Contract Standing Orders have been complied with, where appropriate. Where expenditure is incurred in an emergency, the relevant Chief Officer is responsible for obtaining any subsequent authorisation that may be required.
- 10.12 Electronic ordering of goods and services via the internet may be undertaken by those officers who are either authorised signatories or authorised Council credit card holders. Invoices relating to goods or services ordered by these means must be processed through the Council's normal creditor payment method or by Council credit card. Refer to Section 13 on 'Use of Credit Cards'.
- 10.13 Orders must indicate clearly the quantity, quality and nature of the goods, works and services and the contract or agreed prices or rates. Any delivery charges, carriage or post and packing charges must be shown separately in the order.  
  
If items are added subsequently to the order, the electronic order must also be amended to accurately reflect the revised quantities.
- 10.14 Where a Goods Received Note (GRN) or similar is received with delivered goods, this should be checked against delivery and either signed as correct or any discrepancies noted. If the goods cannot be readily checked, the GRN should be signed as unchecked.
- 10.15 Only the goods actually received should be booked in to the POP system and must be matched to the order. Goods Received Notes must be processed onto POP within 5 working days of receipt.

- 10.16 Any mismatches between the invoice and the order or goods received on POP will be returned to the officer who raised the order to resolve.
- 10.17 If, in exceptional circumstances, a paper order has been used, a copy must, if so required, be supplied to the Chief Finance Officer.

## **11. CONTRACTS FOR ICT**

### **11.1 NOT USED**

## **12. CONTRACTS FOR BUILDING, CONSTRUCTION OR ENGINEERING WORK**

- 12.1 All contracts must be let in full compliance with the Council's Contract Standing Orders.
- 12.2 The requirements of European and domestic legislation must be followed where appropriate. For interpretation of the legislation, guidance should be sought from the Procurement Team.
- 12.3 Interim payments to contractors must only be made on a certificate issued by the appropriate Chief Officer or authorised representative and must comply with all tax requirements. Payments may be made against interim valuations of the works undertaken to date or materials obtained and on site.
- 12.4 Where the contract payments are made by stage/ interim payments, a record must be kept by the Contract Manager to monitor payments made and amounts outstanding.
- 12.5 Subject to the provisions of the contract, every extra or variation must be authorised in writing by the appropriate Chief Officer (or authorised representative) as appropriate and give an estimate of the additional cost or saving of the variation.
- 12.6 At the practical completion of the contract and before the issue of the final payment certificate, the appropriate member of staff, private architect, engineer or consultant must give the Chief Finance Officer a detailed financial statement of the contract, and all relevant supporting documents.
- 12.7 Where completion of a contract is delayed beyond the period of the contract, it is the duty of the Chief Officer concerned to take appropriate remedial action. After consultation with the Chief Finance Officer and the Monitoring Officer, the agreed action taken must be reported to the Cabinet.

## **13. PAYMENT OF ACCOUNTS**

- 13.1 Payments must **not** be made in advance of receipt of the goods, services or works, and must only be for the value of the goods received, services rendered or works completed.
- 13.2 Apart from petty cash accounts (see Financial Regulation 16) the normal method of payment of money due from the Council must be by electronic transfer (including Council credit cards). Payments must be undertaken by the Chief Finance Officer or, in the case of credit card payments, by the authorised Council credit card holder. In exceptional circumstances, where a supplier is unable to accept payment via BACS, a cheque will be issued by the Chief Finance Officer.
- 13.3 If in exceptional circumstances, a cheque is required, all payments exceeding £50,000 must be counter-signed by one of the employees authorised to do so by the Chief Finance Officer.
- 13.4 When recording on POP that the ordered goods or services have been received or before authorising payment, the authorising member of staff must be satisfied that:
- (a) The work, goods or services to which the invoice relates have been received, carried out, examined and approved;
  - (b) The prices, calculations, trade discounts, other allowances, credits and tax are correct;
  - (c) The relevant expenditure has been properly incurred and is within the relevant estimate provision;
  - (d) Appropriate entries have been made in inventories, stores records or stock books as required; and
  - (e) The invoice has not been previously passed for payment and is a proper liability of the Council.
- 13.5 If an invoice certification slip is required (in exceptional circumstances where a POP order has not been used), at least two members of staff must be involved – one person must not complete all sections of the certification slip. If one person completes all sections, the Chief Finance Officer may return the invoice to the relevant Chief Officer for approval.
- 13.6 All discounts available from a supplier are to be taken as a deduction against the cost of goods purchased and must appear on the invoice. Where a supplier provides a free item, or where a discount is only available as goods, the free item or goods may be accepted and will become Council property. Arrangements for their use for Council purposes or disposal will be made by the Chief Officer, who must maintain a record of items so acquired, and arrange as appropriate for their entry into stock, stores or inventory records or their disposal in accordance with these Financial Regulations.

- 13.7 Staff must not, under any circumstances, process anything which would result in a payment to themselves or their immediate family. Where it is intended that the Council pay a member of staff, the invoice(s) concerned must be checked and authorised by another approved member of staff.
- 13.8 Invoices may be examined and enquiries made and explanations sought to the extent that the Chief Finance Officer may require.
- 13.9 Invoices must be paid within Council-agreed or Government-dictated time limits, unless they are formally disputed. If an invoice is being disputed, Financial Services must be informed immediately.
- 13.10 Any amendment to an invoice must be made in a manner approved by the Chief Finance Officer, stating briefly the reasons where they are not self-evident.
- 13.11 Each budget holder must, as soon as possible after 31st March and not later than such date as agreed in the closure of accounts timetable each year, notify the Chief Finance Officer of all outstanding expenditure relating to the previous financial year for goods and services received in that year.

#### **14. USE OF CREDIT CARDS**

- 14.1 Council credit cards must only be used on an exception basis, unless authorised by an Chief Officer and where it can be demonstrated that the transaction represents value for money or is financially advantageous.
- 14.2 Where arrangements exist, or can easily be set up with suppliers using the Purchase Order Processing (POP) system, Council credit cards must not be used. Where items are purchased on a regular basis, the Procurement Team must be contacted to add the suppliers to POP. Orders for work, goods and services must be made in accordance with Section 8 of Financial Regulations.
- 14.3 Use of Council credit cards for Internet purchases will only be authorised if the Procurement team agree that it is the most cost effective option.
- 14.4 VAT receipts must be obtained where relevant, including internet transactions, and attached to the Expenditure record Sheet.

- 14.5 Council credit cards must **not** be used for:
- minor items where petty cash would be more appropriate
  - for personal use. This includes subsistence expenses and petrol purchases when on Council business. These must be claimed through the payroll system
- 14.6 Use of **personal** credit cards during Council business is not permitted, except for legitimate subsistence expenses and petrol purchases, where such expenses are submitted to Personnel Services for reimbursement through the payroll system (refer to Section 16).
- 14.7 Personal gain from loyalty cards/ schemes must not arise from official purchasing using a Council credit card.

FAILURE TO COMPLY WITH THESE RESTRICTIONS MAY RESULT IN THE SUMS BEING RECOVERED FROM THE SALARY OF THE PERSON AUTHORISING THE EXPENDITURE.

### **Issue of the Card**

- 14.8 Applications for a Council credit card must be made using the approved form available from Financial Services. The form must be signed by the Line Manager and submitted to the Chief Finance Officer, stating the need for the card. The Chief Finance Officer will only approve applications where the need can be verified and use of an existing Council credit card is not practical.
- 14.9 Upon receipt of the card, the named Cardholder should sign the lower part of the Business Credit Card Application Form. Their signature acknowledges receipt of the card/replacement card. On receipt of the card, this confirms agreement to abide by the 'Barclaycard Terms and Conditions' and the 'Business Credit Card Procedures'.

### **Responsibilities of the Cardholder**

- 14.10 As stated in the Barclaycard Terms and Conditions, the cardholder must take all reasonable precautions to prevent fraudulent use of the card including the following:
- Sign the card immediately on receipt;
  - *DO NOT* let any other person use the card
  - *DO NOT* save card details on-line i.e. Paypal and Amazon
  - Treat the card like cash, never leave it unattended
- 14.11 If the card is lost, stolen or fraudulent use is suspected contact Financial Services immediately, who will arrange for the card to be cancelled. Should the Cardholder not report the loss immediately, any expenditure incurred between the time of loss and reporting will become the responsibility of the Cardholder, who will be expected to reimburse the Council in full.

- 14.12 When receiving a new card after expiry of the current one the Cardholder must sign to acknowledge its receipt, and return the out of date card to Financial Services.
- 14.13 Should the Cardholder leave the council's employment or transfer to a different section, it is their responsibility to notify Financial Services that the card is no longer required and return it before they leave. The card *MUST NOT* be left with someone else in the section to use.

### **Purchasing**

- 14.14 Credit Card transactions should only be made by the named Cardholder. Use by anyone other than the Cardholder is prohibited.
- 14.15 The Cardholder must:
- Be aware of their credit limit and ensure it is not exceeded.
  - Only use the card within the validity period shown on the card.
  - Ensure the card is only used to make official purchases of services/goods for Council use.
  - Obtain receipts for all purchases; VAT receipts *must* be obtained where applicable.
- 14.16 Where the credit card is used to pay for working lunches or entertainment, it will be necessary to complete an attendance sheet. In the event that an attendance sheet is not submitted with the card payment details, the sum will be recovered through deduction from salary, from the individual authorising the spend.

### **Expenditure Record Sheet Completion**

- 14.17 The expenditure record sheet must be completed with the following details and forwarded to Financial Services as soon as possible when requested each month.
- Date
  - Order Number/Delivery Note Number (where applicable)
  - Supplier
  - Brief Purchase Details
  - Net Purchase Price
  - VAT amount
  - Total Purchase Price
  - Confirmation or otherwise that VAT Receipt is attached
  - Expenditure codes (including VAT code)
- 14.18 Original receipts, order confirmation (if purchasing from the internet) must be attached as evidence of all expenditure.
- 14.19 Where applicable ensure that upon receipt delivery notes used for checking of goods are kept and matched to the subsequent invoices provided by the supplier.
- 14.20 Delivery notes must also be forwarded to Financial Services.

- 14.21 Valid VAT receipts are required to enable the Council to claim back VAT where applicable. This also applies to Internet purchases.
- 14.22 The Cardholder must sign the expenditure record sheet when completed. It must then be signed as approved by a senior officer. These two signatories *must* be different; the same person cannot sign and then authorise.
- 14.23 It is the duty of the authorising signatory to ensure that:
- the form has been completed correctly with all expenditure incurred being bona fide and that,
  - all appropriate records are submitted with the payment details, including VAT receipts and attendance records for hospitality events
  - any reimbursements due to the Council have been made, eg. where meal costs have exceeded allowances.
- 14.24 Where an Internet order has been placed using a Council credit card, the confirmation of the order must be attached to the expenditure form to ensure that there is a record within the Council of the purchase.

**FAILURE TO ADHERE TO THESE PROCEDURES WILL RESULT IN THE CARD FACILITY BEING WITHDRAWN AND DISCIPLINARY ACTION MAY BE TAKEN.**

## **15. GRANTS**

### **TO EXTERNAL ORGANISATIONS**

- 15.1 All grants made to external organisations or individuals must be subject to express approval by the relevant decision-maker(s) (normally an Chief Officer or portfolio holder).
- 15.2 Where annual grants are made, a Service Level Agreement will be established with the organisation concerned to detail how the grant is to be used, together with such information about the organisation's finances and other matters (e.g. audited final accounts, business plans, etc.) as may be considered appropriate.
- 15.3 Organisations receiving grant aid must be required to permit access by the Chief Finance Officer or his representative(s), on reasonable notice, to their financial records and premises in order to enable him/ her to verify that the grant has been used in accordance with Council approval.

## FROM EXTERNAL ORGANISATIONS

- 15.4 External funding is an important source of income to the Council, but funding conditions need to be carefully considered prior to entering into agreements, to ensure that:
- (a) They are compatible with the aims and objectives of the Council;
  - (b) The necessary procedures are in place to meet funding conditions and reporting requirements; and
  - (c) Appropriate budget provision is available if 'match funding' is required.
  - (d) Any revenue implications have been assessed and included in the revenue budgets.

Therefore all bids for external funding bids must notified to the Chief Finance Officer.

- 15.5 The Chief Finance Officer, in conjunction with Chief Officers must, as appropriate, ensure that all funding awarded or committed by external bodies is received and properly recorded in the Council's accounts. This will include ensuring that claims for funding are made by the due date, and in accordance with the funding conditions.
- 15.6 The Chief Finance Officer and Chief Officers must, as appropriate, satisfy audit requirements in respect of external funding claims. This includes maintaining appropriate records that accord with the funding conditions, and making these available to the auditors as required. Successful applications must be referred to the Audit Manager to consider any associated audit requirements.

### Third party expenditure

- 15.7 Sometimes, grant funding awarded to the Council may be passed to an organisation falling outside of the direct responsibility of the Council. The Council will however remain accountable for the grant funding and, as such, will be responsible for ensuring that all of the terms of the grant are met.
- 15.8 The Chief Officer in receipt of the grant must ensure that effective monitoring and reporting procedures are in place to provide assurances over the eligibility of expenditure incurred by the third party and the delivery of outcomes. Upon audit, if the eligibility of third party expenditure cannot be proven by the Council, the Council will itself usually be required to return the grant funding to the awarding body.

## 16. PETTY CASH ACCOUNTS and FLOATS

- 16.1 The Chief Finance Officer will provide petty cash accounts as appropriate to cover incidental office expenses.

- 16.3 Income received on behalf of the Council must not be paid into a petty cash account but must be banked or paid to the Council as required in Financial Regulation 5.
- 16.4 Petty cash expenditure on a single item is limited to £25, except where prior approval has been obtained from the Chief Finance Officer.
- 16.5 An appropriate VAT receipt must be obtained for all items of expenditure. Receipted vouchers, signed by the recipient of the reimbursement must support all expenditure.
- 16.6 Staff responsible for a petty cash account must keep adequate records to support expenditure, in a form approved by the Chief Finance Officer.
- 16.7 Staff responsible for a petty cash account must complete a year-end return.
- 16.8 Each Chief Officer must arrange for a periodic (but not less than every six months) check of petty cash accounts under his/her control by a member of staff other than those directly responsible for the operation of the account.
- 16.9 Where the immediate need for a petty cash account or float ends, the petty cash or float holder must account to the Chief Finance Officer for the total amount advanced and pay the balance of the petty cash account or float back to the Council's main bank account.
- 16.10 Where the petty cash or float holder ceases to be the person responsible for it, the accuracy of the records and cash held must be agreed with their line manager.

## **17. SALARIES, WAGES AND PENSIONS**

- 17.1 The Chief Officer, Central and Community Services must be notified of all staff appointments, including those made on a casual, and all engagements of workers including those made on a consultancy basis or via an agency, to ensure correct tax records are maintained.
- 17.2 The Chief Officer, Central and Community Services must make or arrange for the payment of all salaries, pensions, allowances, compensation and other such payments that are legitimately due to Members, employees, former Members and former employees of the Council. Under no circumstances can payments to staff and Members be made without the prior approval of the Chief Officer, Central and Community Services, in order to ensure that the requirements of the HM Revenue and Customs (HMRC) are met.
- 17.3 The Chief Officer, Central and Community Services must maintain complete records of all matters affecting the payments of such expenses and in particular:
  - (a) Appointments, resignations, dismissals, suspensions, secondments and transfers;

- (b) Absences from duty for sickness or other reasons, apart from approved leave;
  - (c) Changes in remuneration, including, but not restricted to changes in hours, acting up allowances, leased car, essential and casual user status, pay awards and other negotiated agreements which apply to staff generally;
  - (d) Information necessary to maintain records of service for superannuation, income tax, national insurance and the like.
- 17.4 Appointments of all employees must be made in accordance with Corporate Guidelines and the approved establishment, grades and rates of pay.
- 17.5 All time records or other pay documents must be in a form prescribed or approved by the Chief Officer, Central and Community Services and must be certified by an appropriately authorised member of staff (NB Electronic signatures are accepted in the case of electronically submitted timesheets). The names of members of staff authorised to sign such records must be sent to the Chief Officer, Central Services together with specimen signatures and must be amended to reflect any changes. A list of such authorised staff will be maintained by Personnel Services and re-drafted annually.
- 17.6 Chief Officers must ensure that overtime claims made by employees are made as a result of a true and complete record of work carried out by the employees concerned.
- 17.7 Members of staff must not certify their own claim forms. Any claim must be authorised by a more senior officer to the claimant.

## **18. TRAVELLING and SUBSISTENCE**

- 18.1 Officers and Members (including co-opted Members of the Council and Council Bodies), who are entitled to claim travelling or other allowances, must submit their claims using the online 'Expenses on Demand' system.

### **VAT Receipts**

- 18.2 The Council is required to hold VAT receipts in relation to business mileage undertaken by employees in order to be able to claim back VAT from HMRC. When HMRC inspect the Council's processes they will audit the receipts held against payments made and will impose penalties if the process specified below is not being followed. Therefore it is important that the requirement to submit receipts is complied with.
- 18.3 Officers and Members are required to submit sufficient VAT fuel receipts to cover the business journeys undertaken. These should be submitted via the drop-boxes provided, or via internal mail where a drop-box is not available.

Random checks will be undertaken to ensure employees making mileage claims are submitting receipts.

- 18.4 Claims for reimbursement of expenditure such as parking, meal allowances, public transport etc. must be supported by attaching an electronic copy of the receipt to the online expense claim.
- 18.5 Receipts can be added to the drop box at any time during the month but must be submitted on or before the 8<sup>th</sup> (which is the deadline for mileage claims to be made). Each month, on the claim deadline, the receipts will be removed from the box and forwarded to Financial Services. There will be random checks to ensure that employees making mileage claims are submitting receipts.
- 18.6 The certification by an approved certifier will be taken to mean that the certifying member of staff is satisfied that the journeys were authorised, the expenses properly and necessarily incurred, appropriate receipts have been provided (where relevant) and the allowances properly payable by the Council.
- 18.7 Claims submitted more than three months after the expenses were incurred will be paid only in exceptional circumstances and with the express approval of the Chief Officer, Central and Community Services.
- 18.8 All claims relating to a financial year must be submitted by the published payroll deadline date for April (i.e. claims for January, February and March each year must be submitted by the April payroll deadline) to ensure that claims are paid in the correct tax year.

## **19. INSURANCE**

- 19.1 The Chief Finance Officer is responsible for arranging all insurance cover for the Council, and where appropriate negotiating all claims, in consultation with other members of staff as necessary.
- 19.2 Chief Officers must give prompt notification to the Chief Finance Officer of all new risks, contracts and projects and properties or vehicles that need to be insured and of any alterations affecting existing insurance arrangements. If in doubt, contact the Insurance Officer in Financial Services. This could include examples such as joint working arrangements, shared services, staff seconded to other organisations, work carried out on behalf of other organisations, services outsourced or brought back in-house. Any activities outside the remit of normal business activities and statutory duties of a local authority (e.g commercial purpose).

- 19.3 Chief Officers must immediately notify the Chief Finance Officer in writing or by completing an appropriate claim form of:
- any loss, liability or damage or any event likely to lead to a claim. The Chief Finance Officer and the Audit Manager must be informed of any case which appears may lead to criminal proceedings.
  - Any changes to existing services that may increase or decrease risk, any incidents or potential claims that arise, must be notified to the Chief Finance Officer within 5 working days of the change becoming apparent
- 19.4 All relevant employees of the Council are included in suitable fidelity guarantee insurance. For cover under this policy to be applicable, two suitable references must be obtained for all new employees.
- 19.5 On an ongoing basis, service managers must assess if the current insurance levels are fit for purpose and inform Financial Services of any changes.
- 19.6 Chief Officers must consult the Chief Finance Officer and the Monitoring Officer concerning the terms of any indemnity which the Council is requested to give.
- 19.7 Any employee who is providing professional services to another body on behalf of the Council, must contact the Insurance Officer to assess if professional indemnity cover is required.

## **20. STOCKS AND STORES**

- 20.1 Each Chief Officer must ensure the safe custody and physical control of the stocks and stores under his/her supervision.
- 20.2 Stocks must be maintained at an appropriate level for day-to-day delivery of the service, except in special circumstances with the approval of the relevant Chief Officer.
- 20.3 Chief Officers must arrange for periodical test checks of stocks by persons other than storekeepers and must ensure that all stocks are checked at least once in every year.
- 20.4 All records and accounts relating to stocks and stores must be in a form approved by the Chief Finance Officer. Each responsible member of staff must supply the Chief Finance Officer with sufficient information relating to stocks and stores to allow for the proper accounting, costing and financial records of the Council to be prepared and maintained.
- 20.5 Any write-off of stock must be authorized by the budget holder and notified to the service accountant. The stock records must be amended accordingly with an appropriate explanation and the method of disposal noted.

## **21. INVENTORIES**

- 21.1 The Chief Finance Officer will maintain an inventory, as described in the Inventory Procedures (**Appendix 2**), of a variety of items for the purpose of ensuring they are adequately and appropriately insured against loss, damage or theft. The ICT service will maintain a continuous inventory of all computer-related items.
- 21.2 Each Chief Officer must advise the Chief Finance Officer, upon request, of any changes to the inventory list held by him/ her. Where valuable or highly attractive new equipment or other insurable item is either acquired or disposed of (by whatever means), the Chief Finance Officer must be advised accordingly in order to ensure they are insured appropriately.
- 21.3 Except in accordance with specific directions issued by the Chief Officer concerned, Council property may only be removed from Council premises in accordance with the ordinary course of the Council's business for the Council's purposes.
- 21.4 Year-end notifications must be returned to Financial Services by 30<sup>th</sup> April.

## **22. DISPOSALS (except Land and Property Assets)**

- 22.1 Before an item is disposed of, consideration should be given as to whether there is a use for the item elsewhere within the Council.
- 22.2 Any asset or item of stock deemed obsolete or surplus to requirements must, where the expected loss on disposal is no more than £2,500, be sold or disposed of on the authorisation of the responsible Chief Officer.

Where the expected loss on disposal exceeds £2,500, the approval of the Chief Finance Officer must also be obtained.

All items with a significant market value should be disposed of via public auction (other than land, which is to be disposed of in accordance with Contract Standing Orders).

- 22.3 It is the responsibility of each Chief Officer to establish that legal title rests with the Council prior to the disposal of any item.
- 22.4 Leased items should be returned to the lessor at the end of the lease term.
- 22.5 Wherever an item is disposed of, the appropriate stock or inventory record must be updated to reflect the disposal.
- 22.6 When disposing of ICT assets, the processes in the ICT Asset Disposal document must be applied. The (non-exclusive) list of assets to be included under this policy includes hardware such as Servers, PCs, Laptops, Tablets, Monitors, Printers, Scanners, Handheld Devices, Cabling and Software and

data held on removable media such as CDs and DVDs. If in any doubt as to whether an item falls within the parameters of the document, consult with the ICT Manager.

## **23. LAND AND PROPERTY ASSETS**

- 23.1 The Property Services Manager will maintain an estates management record of all the Council's land and property interests, stating the purposes for which the land is held, the location, the extent and plan reference, purchase details, particulars or nature of interest, rents payable and particulars of tenancies granted. This will include land and property under lease or rent.
- 23.2 The Monitoring Officer will keep all title deeds in a secure location.
- 23.3 All acquisitions and disposals of land must be undertaken in compliance with the Council's Contract Standing Orders.
- 23.4 Where land or property is disposed of at or below the current market value or in any exchange, this must comply with the requirements of the relevant legislation, as updated by the latest Statutory Instrument or Consent.
- 23.5 All disposals of Council land and property must be promptly notified to the Property Services Manager to ensure the record of interests is maintained accurately, and to Financial Services.

## **24. COMPUTER SECURITY**

- 24.1 The ICT Manager is responsible for maintaining the proper security and privacy of electronic information held on the Council's network and any associated storage media or for its use. Chief Officers are responsible for maintaining the proper security and privacy of information held in user applications for which they are responsible, in conjunction with the ICT Manager.
- 24.2 The ICT Manager is responsible for ensuring that procedures are adhered to for maintaining the privacy and security of all computerised data held by the Council in electronic form, as set out in the ICT Policy Documents.
- 24.3 Each Chief Officer is responsible for notifying the Data Protection Officer and the Chief Finance Officer of all new computer applications and administrative records and procedures so they can be assessed for notification under the Data Protection Act and compliance with ICT Governance.
- 24.4 The ICT Manager will be responsible for co-ordinating the necessary audit required to maintain PCI-DSS compliance.

## **25. SECURITY - GENERAL**

- 25.1 Each Chief Officer is responsible for maintaining proper security at all times for all buildings, stocks, stores, furniture, equipment, cash, etc. under his/her control. He/she must consult the Chief Finance Officer in any case where security is thought to be inadequate or where it is considered that special security arrangements are necessary.
- 25.2 Maximum limits for cash holdings must be agreed with the Chief Finance Officer and must not be exceeded without her express permission.
- 25.3 Keys to safes and similar receptacles are to be with the designated keyholder at all times. Such keys must not be left on site when the premises are not occupied by Council staff, unless expressly approved by the Chief Finance Officer. The loss of any such keys must be reported to the Chief Finance Officer as soon as their loss has been noticed.
- 25.4 Each Chief Officer must ensure that personal data that no longer needs to be retained is securely and confidentially disposed of.
- 25.5 Where staff keep money on Council premises for activities such as sweepstakes, lottery syndicates and collections, they do so at their own risk and the Council cannot take responsibility for its security.

## GROUND RULES FOR BUDGET TRANSFERS

1. These Ground Rules apply where:
  - (a) an expenditure budget is going to be exceeded or there will be a shortfall in income
  - (b) there will be a saving on expenditure or additional income has been generated and an Chief Officer wishes to utilise it.
  
2. Expenditure on capital financing costs, and support services (including computers) and interest on capital receipts fall outside these ground rules.
  
3. For the purpose of these Ground Rules, the following definitions apply:
  - (a) Transfer means the movement of budgetary provision between budget heads. A budget head is defined as a line appearing in a service budget.
  - (b) Portfolio Holder will be taken to mean the Councillor who is responsible for an area of the Council's activities as agreed by Council.
  - (c) Chief Officer means a member of the Council's Management Team and who is responsible for managing any of the Council's functions, as defined in the Council's Constitution.
  - (d) "Key decisions" are as defined in the Council's constitution as an executive decision which is likely to:
    - (i) result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council 's budget for the service or function to which the decision relates; or
    - (ii) be significant in terms of their effect on communities living or working in the area comprising two or more wards and electoral divisions in the Council's area.

N.B. Significant under (i) above is defined as being greater than £500,000  
 Significant under (ii) above is one third of the resident population in a ward.
  
4. The procedures for dealing with transfers are as follows:
 

Up to £500,000 The portfolio holder(s) has (have) delegated authority subject to the action not being considered a key decision.

Over £500,000 Cabinet to approve
  
5. When completing a transfer of budget provision using delegated authority, the Exercise of Delegated Authority form must be completed.

6. In addition, all cases of transfer of budget provision will be recorded by the Chief Finance Officer.
7. Budget transfers shall only be undertaken if:
  - (a) the proposed savings or additional income to fund any overspend are achievable.
  - (b) the additional expenditure will, in fact, arise and the particular budget will not then be overspent or the expected income will be achieved to finance the budget transfer.
  - (c) The total of the budget based upon a portfolio holder's area of responsibility will not be overspent.
8. Savings in non-recurring expenditure or additional income should not be used to finance additional recurring expenditure.
9. Transfers must not be made into permanent staffing budgets.
10. Savings on staffing budgets can be used for non-recurring costs where they arise from a positive decision to produce savings.
11. Transfers made across portfolio areas will be subject to agreement of all relevant portfolio holders.

### **Transfers from reserves**

12. Where a reserve exists for a specific purpose (e.g. a renewal or repair reserve), the Chief Finance Officer may withdraw funds from that reserve, PROVIDED THAT the withdrawals to finance an item or items of expenditure related to the reasons for the existence of the reserve, up to a value of £100,000 per annum. Any necessary withdrawal that exceeds this amount additionally required the approval of the relevant portfolio holder.
13. Decisions involving additional resources from ear-marked reserves may be made by any portfolio holder up to a maximum of £50,000 per Portfolio Holder in any financial year, subject to compliance with Financial Regulations.
14. Any use of reserves as described above must be reported in the next monthly budget monitoring report.
15. Where any decision has been made without regard to Financial Regulations and it is noted prior to the commitment or spending, the Chief Finance Officer and the Monitoring Officer will have the authority to defer the payment until further discussions have been undertaken with the relevant portfolio holder.

## INVENTORY PROCEDURES

### **Purpose**

Inventories are necessary to enable the Council to keep accurate records of equipment for accounting purposes and also to assist with planning future replacements. In order to compile and maintain a complete and accurate corporate register, it is necessary to have a minimum amount of information supplied on a consistent basis by all relevant areas of the Council. This document is intended to provide guidance on what information is required and how it should be recorded.

### **Operation**

Each Chief Officer will decide how their service area should be divided up for the purposes of maintaining relevant inventories. A person will be nominated in each section to own and maintain the inventory.

On an annual basis that person will be asked by Financial Services to check the accuracy of the inventory and either confirm the current status or provide details of changes by 30<sup>th</sup> April.

### **Records**

The attached document gives guidance on items that should or should not be included on the inventory. An initial check should be made to ensure all relevant existing equipment is recorded. New equipment should be added as soon as it is purchased.

A spreadsheet is attached that collects the minimum amount of information required. If necessary sections can be added to the right hand side of the spreadsheet to record further information to suit their own purpose, but do not make it over complicated.

If you have any questions, please contact Financial Services

## **INVENTORY REQUIREMENTS**

### **1. Items NOT to be included in Inventories**

#### **1.1 Personal computers/ related hardware/ software**

All personal computers and related hardware and software will be entered in an inventory maintained by ICT. There is no need to enter such items in other inventories. This will include laptops, mobile phones and PDA's.

NB All such equipment based on Council property and covered by Council insurance must only be purchased via ICT.

#### **1.2 Office Furniture**

Standard office furniture should not be included in inventories.

### 1.3 **Property related Equipment**

Fixed plant items that are maintained by Property Services, such as boilers and air conditioning units, should not be included in the inventory. For further information on what is covered by Property Services, please contact Allison Bingham, ext 6743.

### 1.4 **Vehicles**

These are purchased through the Capital Scheme and therefore already entered on to the Asset Register by Accountancy.

## 2. **Items to be included in Inventories**

### 2.1 **Capital Equipment**

Where equipment has been purchased as part of a capital scheme, the initial details will be recorded on the corporate inventory by Accountancy. However, when such equipment is replaced, the method of the disposal and details of replacement equipment must be entered on to the relevant section inventory as described in this document.

### 2.2 **Historical artifacts**

Paintings and historical artifacts should be recorded on a specific inventory and re-valued every 3 years by a reputable valuer experienced in such items.

### 2.3 **Other equipment**

- Equipment which falls outside the definitions given above must be included in inventories if the replacement value is estimated to be more than £1,000.
- Equipment which is owned by the Council, but not located on Council premises (e.g. tools kept in vans), must be included in the inventory arrangements.
- Equipment whose replacement value is estimated to be less than £1,000 but which is considered to be 'portable and attractive' may be included at the discretion of the Director. This may be items such as, but not limited to, cameras, monitoring equipment and tools.

### 2.4 **Leased equipment.**

Under new accounting rules, it is important that leases are classified correctly and therefore you will need to contact Accountancy if an agreement is referred to as a 'lease'. Accountancy will want to establish if it is a Finance lease or an Operating lease and some notes are included in Section 4 to help you understand the difference.

### 3.0 Format of the Inventory

3.1 The inventory should be kept in the format attached which records:

- a) The item
- b) Any serial number or any other such unique identifier
- c) A description
- d) Responsible officer
- e) The date of acquisition where known. (See note 3.2 below)
- f) The initial cost (See note 3.2 below)
- g) The estimated replacement date
- h) The date of disposal (where items have been disposed of).
- i) Free text area to make any further comments or to note the method of disposal (note 3.3 below)

3.2 Where an item has been owned prior to the introduction of the inventory and the initial date of purchase and cost is not known, it is acceptable to enter 'pre-December 2010'. For all future purchases, a date and value must be entered.

3.3 When an item is disposed of, the means and details of disposal must be recorded in the free text column.

3.4 Once completed a copy of the inventory should be sent to Financial Services. On an annual basis you will be asked to confirm the accuracy of the inventory, or provide an amended version, which should be signed and dated.

### 4.0 Leases

4.1 From April 2011, the Council has to present its Statement of Accounts in a revised format to comply with the International Financial Reporting Standards (IFRS). Part of this requires us to classify Leases as either:

- Finance, or
- Operating

4.2 A lease is classified as a finance lease if it transfers substantially all the risks and rewards incident to ownership. All other leases are classified as operating leases. Classification is made at the inception (beginning) of the lease.' *Summaries of International reporting Standards, Deloitte.*

4.3 Finance Leases

Situations that would normally lead to a lease being classified as a finance lease include the following:

- The lease transfers ownership of the asset to the lessee by the end of the lease term. At the end of the lease, the council will become the owner of the asset.

- The lessee has the option to purchase the asset at a price which is expected to be sufficiently lower than fair value at the date the option becomes exercisable that, at the beginning of the lease, it is reasonably certain that the option will be exercised. At the end of the lease, the council can buy the asset at a low price, and this was known from the start of the lease.
- The lease term is for the major part of the economic life of the asset, even if title is not transferred. By the end of the lease, the asset is worn out.
- At the beginning of the lease, the present value of the minimum lease payments amounts to at least substantially all of the fair value of the leased asset. It is known from the start of the lease that the payments would amount to the cost of the asset.
- The lease assets are of a specialised nature such that only the lessee can use them without major modifications being made. It is something only this council could realistically use.
- If the lessee is entitled to cancel the lease, the lessor's losses associated with the cancellation are borne by the lessee. If the council exercises the right to cancel the lease, we have to pay any losses that the other party incurs as a result.
- The lessee has the ability to continue the lease for a secondary period at a rent that is substantially lower than market rent. The council can extend the period of the lease at a much lower rent than normal.

In each case, we are effectively buying the benefits of the whole asset over time by paying for it gradually.

If the terms of the lease do not match any of the above, then the lease is an Operating lease.

**As stated before, please contact Financial Services if you think an agreement you are entering in to is a lease.**



**New suppliers being used by a Service Area for the first time**

The Service Manager of an area where a payment will be made to a supplier for the first time will be responsible for undertaking the necessary check to confirm the employment status of the individual concerned **before** engaging the supplier and agreeing the contract/terms of the work being undertaken.

To confirm the employment status of the individual concerned the Service Manager must:

1. Go to the HMRC's employment status indicator tool on their web-site <http://www.hmrc.gov.uk/calcs/esi.htm>.
2. Complete the tool by carefully answering the questions posed.  
The initial questions are detailed below:

**Initial details**

Please answer the questions marked with a \*

What is the customer role? ENGAGER

Is the enquiry in relation to a future contract? YES

What is the worker's current employment status? NOT KNOWN

**Work details**

Please answer the questions marked with a \*

Engager's business: PUBLIC SECTOR-OTHER

OTHER (Alive Leisure should select this option)

If other, please enter description here: Alive Leisure to complete as LEISURE TRUST

**Trade details**

Please answer the questions marked with a \*

Trade of worker: SELECT FROM DROP DOWN BOX, IF UNKNOWN

SELECT OTHER, THEN COMPLETE DETAILS IN DESCRIPTION BOX

**Continue to complete each of the following questions as per details of contract until you receive the Employment Status Indicator Result screen.**

3. Print the Employment Status Indicator Result when this page is reached, an example of the screen is detailed below:

ESI Reference: \*\*\*\*\* **Close Enquiry Details Summary**

**Employment Status Indicator Result**

Based on the information you have provided, **the worker is self-employed.**

The result is based on the following grounds:

Version: 1.3.0.2

**The worker is self-employed. [Why ?]**

**There is a high indication of substitution. [Why ?]**

**Printer-friendly version**

4. Print the relevant enquiry details page (found by clicking the words 'Enquiry Details' in the top right hand corner of the page) to provide evidence of the information used to determine the employment status result.
5. Complete, sign and date the Council's 'ESI Declaration form', available on Insite. Attach the form to the pages printed from the HMRC web-site.
6. If the employment status result confirms that the individual is self employed, and the supplier is being used for the first time, the Service Manager must:
  - a. Complete the Council's "New Supplier Form" (copy attached) in full including signing and dating the form.
  - b. E-mail the completed form to Procurement [procurementtenders@west-norfolk.gov.uk](mailto:procurementtenders@west-norfolk.gov.uk) for approval.
  - c. Attach the ESI declaration and pages printed from the HMRC web-site to the completed New Supplier Form.
  - d. Retain a copy (preferably scanned) of all paperwork, you will need to refer to these in the future.
  - e. Send the original versions of all paperwork to Financial Services, for the attention of Kerry Lovick.
  - f. Financial Services will issue a new supplier number once the correctly and fully completed paperwork has been received.

If the employment status result states that the individual is an employee the Service Manager must contact the Personnel Services Manager/Payroll and Systems Administrator immediately and forward the original versions of the ESI declaration and pages printed from HMRC web-site to Personnel.

### **Processing Payments To A New Supplier For The First Time**

- When the first invoice is received for your new supplier (or for the new purpose/task/service provided by an existing supplier) you must write the appropriate HMRC 'ESI Reference' (found on the Employment Status indicator result page, see section 3 above) on the top of the invoice prior to forwarding to Financial Services for payment.
- **UNDER NO CIRCUMSTANCES WILL INVOICES TO INDIVIDUALS BE PAID WITHOUT THE RELEVANT ESI REFERENCE NUMBER BEING PROVIDED.**
- If a Service Manager is in any doubt as to whether an ESI Reference has been provided to Financial Services for a particular supplier, or has any doubt whether the employment status check undertaken for a supplier relates to the same services/tasks being performed **THE EMPLOYMENT STATUS INDICATOR TOOL MUST BE COMPLETED AND THE NEW ESI REFERENCE SUPPLIED.**

### **Processing POP Orders**

Those placing POP orders must follow the procedure outlined above in full, including:

- completing the Employment Status Indicator tool and printing the results sheets
- attaching to a completed ESI declaration form
- completing the New Supplier Form if this is a new supplier,
- sending all paperwork to Financial Services

– this must be undertaken before an invoice for the order can be paid.

### **Existing Suppliers**

To assist with the transition to this new arrangement for paying suppliers, Financial Services are completing the Employment Status Indicator tool for a number of existing individual suppliers who regularly undertake work for the Council. A list of the suppliers that have been checked, and the details of purpose/tasks/services they have been checked for, will be made available on Insite.

If you receive an invoice from an existing supplier please check against this list to ensure the answers given on the ESI tool apply to the purpose/task/service you have engaged them for. If so you may use the ESI Reference number stated rather than complete the ESI tool yourself. Please write the relevant ESI number on the top of the invoice you wish to be paid prior to sending to Financial Services.

If you have any doubt as to whether the purpose/tasks/services being undertaken are the same – you must complete the ESI tool and ESI declaration, and notify Financial Services of the resulting reference number.

If you have an invoice to pay for an existing supplier who is not on the list you must:

1. Complete the ESI tool on the HMRC website,
2. Print the Employment Status Indicator Result page and the relevant enquiry details page (found by clicking the words 'Enquiry Details' in the top right hand corner of the page)
3. Complete, date and sign the ESI declaration including supplier number and (where appropriate) POP order number.
4. Retain copies of above paperwork for your records
5. Forward original versions of above paperwork to Financial Services for the attention of Kerry Lovick.

## Cash Limits

In all cases the Budget Cash Limit will be seen to be the 'bottom line' of a service cost centre as presented in the Financial Plan 2015/2020 and the financial ledger.

It will be the responsibility of the Assistant Director to make sure that any anticipated overspending in a cost centre, as a first option, is compensated by a reduction in the same service area. In the event that this is not possible the Assistant Director must as a second option look for compensating reductions within another service area under their responsibility. (It is accepted that this may mean changes across Portfolios).

If this is not possible then the Assistant Director must report the circumstances to the Management Team requesting the forecast overspend to be met from corporate resources.

The decision on how to meet the shortfall will be made by Management Team in consultation with the portfolio holder for Resources, before the overspending is authorised.

These cash limits rules will not apply to elements of the budget that are 'outside' of the control of the service manager. These will include;

- rent and rates
- insurances
- benefit payments
- support service charges
- capital financing
- asset rentals
- interest on capital receipts

Where there are increase/reductions in the above, it will be necessary for the Assistant Director to report to Management Team and complete the appropriate Exercise of Delegated Authority (EDA) form or Cabinet report.

In all other cases the cash limits rules will apply although Management Team, in consultation with the portfolio holder for Resources, will consider exceptions in particular cases. (As an example, this may be the case where the pressure comes from reduced levels of income from 'demand led' services).

In all cases Financial Regulations require the Assistant Director to gain Portfolio Holder(s) approval for them to complete the EDA form. A copy of the form must be sent to the Assistant Director for adjustments to be made to the budget records in the financial ledger.

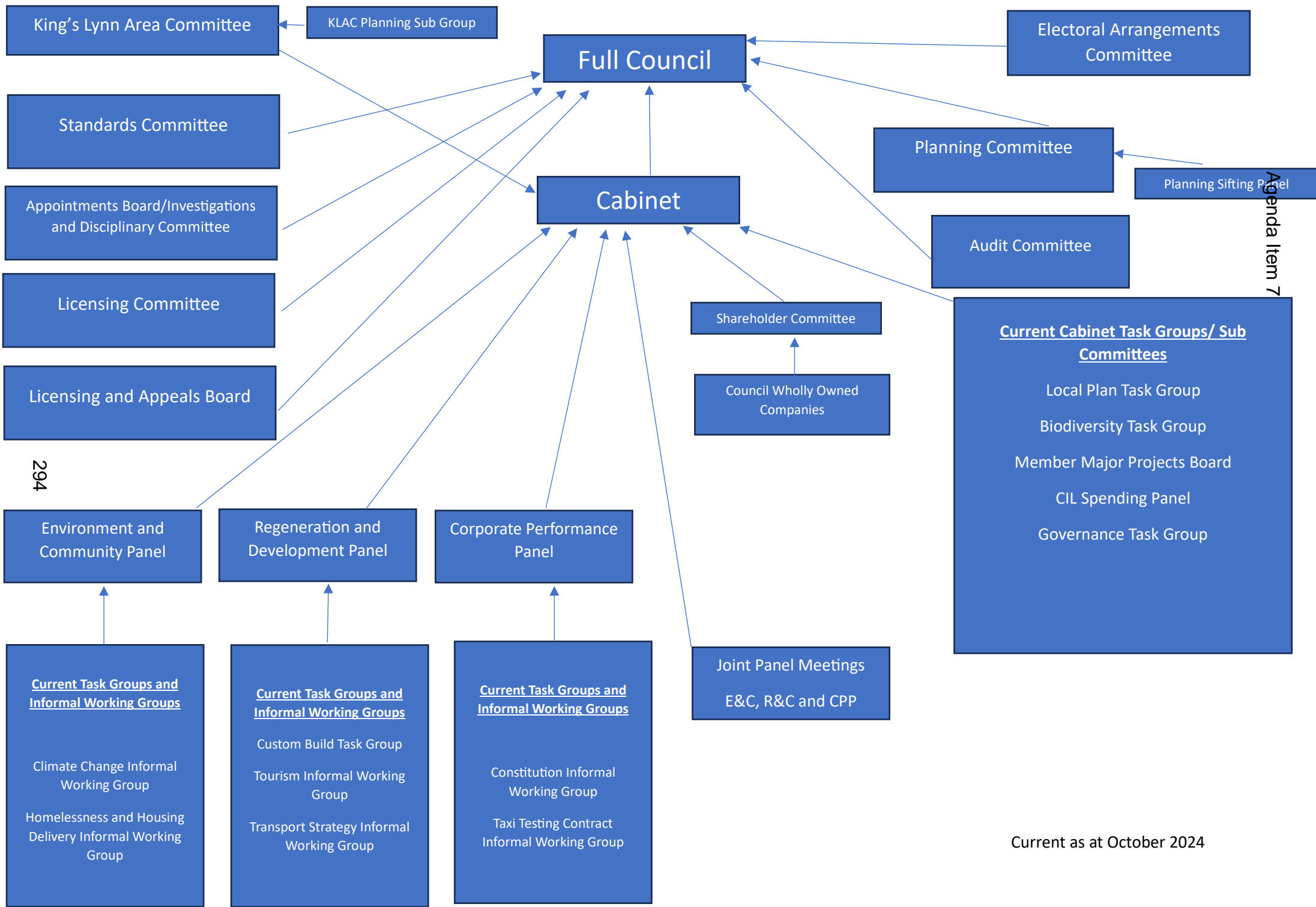
Any budget transfer with a value of £500,000 or above is a 'key decision' and must be subject of a report to Cabinet.

In dealing with the overspending it will be the responsibility of the Assistant Director to identify compensating reductions within one month of the issue being identified. This will form part of the Monthly Monitoring Report.

As a reminder, the Financial Regulations state;

- transfers must not be made into permanent staffing budgets;
- savings in non-recurring expenditure or income should not be used to finance additional recurring expenditure

**Lorraine Gore**  
**Assistant Director (S151 Officer)**



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Agenda Item 7

Current as at October 2024