

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



Cabinet

Agenda

Tuesday, 30th June, 2020
at 3.00 pm

in the

**Council Chamber
Town Hall
Saturday Market Place
King's Lynn**



King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX
Telephone: 01553 616200

CABINET AGENDA

DATE: CABINET - TUESDAY, 30TH JUNE, 2020

VENUE: ZOOM AND YOU TUBE

TIME: 3.00 pm

As required by Regulations 5 (4) and (5) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 - No Items will be considered in private.

1. MINUTES

To approve the Minutes of the Meeting held on 20 May 2020 (previously circulated).

2. APOLOGIES

To receive apologies for absence.

3. URGENT BUSINESS

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

4. DECLARATIONS OF INTEREST

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

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

5. CHAIR'S CORRESPONDENCE

To receive any Chair's correspondence.

6. MEMBERS PRESENT UNDER STANDING ORDER 34

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

Members wishing to speak pursuant to Standing Order 34 should inform the Chair of their intention to do so and on what items they wish to be heard before a decision on that item is taken.

7. CALLED IN MATTERS

To report on any Cabinet Decisions called in.

8. FORWARD DECISIONS (Pages 6 - 9)

A copy of the Forward Decisions List is attached

9. MATTERS REFERRED TO CABINET FROM OTHER BODIES

To receive any comments and recommendations from other Council bodies which meet after the dispatch of this agenda.

Extract from Corporate Performance Panel : 3 June 2020 – Urgent changes to Standing Orders

“RESOLVED: The Panel proposed that the Solicitor should draft amendments to the proposed changes to Standing Orders for remote meetings, to be incorporated into the report for Cabinet on 30 June 2020, addressing the following matters:

- 1) Standing Order 4.10 – A relaxation of this clause so that the Chair has discretion to decide whether a Member can continue to participate in the Meeting.
- 2) Standing Order 4.11 – A relaxation of this clause to allow further time.
- 3) Standing Order 34 – To take account of Members who wish to observe the meeting when there are exempt items.”

Joint Panels Meeting – 25 June 2020 – Covid 19 Response strategy.

The Joint Panels will consider this item and their comments will be reported at the meeting.

10. KLIC INDEPENDENT INQUIRY (Pages 10 - 19)

11. ANTI MONEY LAUNDERING POLICY (Pages 20 - 49)

12. **COVID 19 - RECOVERY STRATEGY** (Pages 50 - 66)

13. **URGENT UPDATE TO STANDING ORDERS RELATING TO COVID 19**
(Pages 67 - 112)

To: Members of the Cabinet

Councillors R Blunt, S Dark, I Devereux, P Gidney, P Kunes, A Lawrence,
B Long (Chair), G Middleton and E Nockolds

For Further information, please contact:

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

FORWARD DECISIONS LIST

Date of meeting	Report title	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
30 June 2020						
	Anti Money-Laundering Policy	Non	Cabinet	Leader Chief Executive		Public
	KLIC Independent Report	Non	Council	Chief Executive		Private - Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority)
9	Covid 19 – Recovery Strategy (will be late)	Key	Cabinet	Covid 19- and Emergencies Assistant to the CEO		Public
	Update to Standing Orders relating to Covid regulations	Non	Council	Leader Chief Executive		Public

Date of meeting	Report title	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
4 August 2020						
	Major Housing Project 2	Key	Council	Project Delivery Asst Dir Companies and Housing Delivery – D Gagen		Private - Contains exempt Information under para 3 – information relating to the business affairs of

						any person (including the authority)
	Strategic Property Acquisition	Key	Cabinet	Business Development Asst Dir Property & Projects – M Henry		Private - Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority)
	Update to the Major Project Board Terms of reference	Non	Cabinet	Leader Asst Dir Property & Projects – M Henry		Public
7	Salters Road, King's Lynn	Key	Council	Project Delivery Asst Dir Companies and Housing Delivery – D Gagen		Private - Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority)
	Southend Road and Hunstanton Bus Station	Key	Council	Project Delivery Asst Dir Companies and Housing Delivery – D Gagen		Private - Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority)
	Parkway	Key	Council	Project Delivery Asst Dir Companies and Housing Delivery – D Gagen		Private - Contains exempt Information under para 3 – information relating to the business affairs of

						any person (including the authority)
	Revised Budget	Key	Council	Leader Asst Dir - Resources		Public
	Revised Capital Strategy	Key	Council	Leader Asst Dir - Resources		Public
	Covid 19 – Recovery Plan	Key	Council			Public
	Scrutiny and the Executive Protocol	Non	Council	Leader Chief Executive		Public
	Standing Orders Review	Non	Council	Leader Chief Executive		Public
∞	KLIC Loan Settlement Agreement	Key	Cabinet	Leader Asst Dir – Property & Projects		Private - Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority)
	CIL - Community Infrastructure Levy (CIL) – Governance and Spending	Key	Council	Development Asst Dir Environment & Planning		Public

Date of meeting	Report title	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
22 September 2020						
	Lynnsport one	Key	Council	Project Delivery Asst Dir Companies & Housing Delivery – D Gagen		Private - Contains exempt Information under

						para 3 – information relating to the business affairs of any person (including the authority)
	Climate Change Policy	Key	Council	Environment Exec Dir – G Hall		Public

REPORT TO CABINET

Open/Exempt		Would any decisions proposed :			
Any especially affected Wards	Mandatory/	Be entirely within Cabinet's powers to decide		YES/NO	
	Discretionary/	Need to be recommendations to Council		YES/ NO	
	Operational	Is it a Key Decision		YES/NO	
Lead Member: Cllr Brian Long E-mail: cllr.Brian.Long@West-Norfolk.gov.uk			Other Cabinet Members consulted:		
			Other Members consulted: Cllr J Collop Cllr J Moriarty		
Lead Officer: Lorraine Gore E-mail: Lorraine.Gore@West-Norfolk.gov.uk Direct Dial: 01553 616245			Other Officers consulted:		
Financial Implications YES/NO	Policy/ Personnel Implications YES/NO	Statutory Implications YES/NO	Equal Impact Assessment YES/NO If YES: Pre-screening/ Full Assessment	Risk Management Implications YES/NO	Environmental Considerations YES/NO

Date of meeting: 30 June 2020

KLIC – INDEPENDENT INQUIRY

<p>Summary</p> <p>This report sets out the findings of the KLIC Independent Inquiry, conducted by Alison Lowton.</p> <p>Recommendation</p> <p>Cabinet to recommend to Council the findings of the KLIC Independent Inquiry as set out in the attached report.</p> <p>Reason for Decision</p> <p>In accordance with Council minute C:86 to present the outcome of the KLIC Independent Inquiry.</p>

1 Background

1.1 On 26 March 2019 Council resolved (minute C:86) that this Council establish an independent inquiry into the partnership with Norfolk and Waveney Enterprise Services (NWES) and its subsidiaries and associated companies and those with common shareholders or directors, regarding the award of and administration of the KLIC project and all aspects of its (their) financial relationship with the Borough Council of King's Lynn and West Norfolk.

To ensure the impartiality and independence of the Inquiry, the Chair and personnel of such an Inquiry to be chosen by an outside body, such as the Local Government Association (LGA) and consideration be given to requesting further assistance from such an outside body if required.

2. The Process

- 2.1 The East of England Local Government Association (EELGA) presented four CVs of potential candidates and these were discussed and short-listed by the group leaders of the borough council with the chief executive. From this meeting Alison Lowton, a legally qualified experienced investigator for public sector organisations, was shortlisted and attended an interview with the group leaders and the chief executive on 8 October 2019 and was appointed to undertake the inquiry.
- 2.2 The terms of reference for the KLIC independent inquiry are attached at appendix A.
- 2.3 It was agreed that the independent inquiry would need full access to all documents and reports of the internal Cross-Party Working Group (CPWG) and the inquiry and report would not be completed until after the CPWG had concluded and reported any findings. The CPWG report was presented to a Special Audit Committee meeting on 10 February 2020 and to Cabinet on 17 March 2020.
- 2.4 Group leaders considered the draft report from Alison Lowton on 25 March 2020. The report is now presented to Cabinet, this has unfortunately been delayed due to the suspension of Cabinet meetings during the response to the Covid19 crisis.

3. KLIC Independent Report

- 3.1 The report is attached at Appendix B. Alison Lowton will present her report to Cabinet.

4. Background Papers

- Minutes of Council Meeting of 26 March 2019
- Report to Special Audit Committee: Report of the Cross-Party Working Group to review the King's Lynn Innovation Centre (KLIC) project on 10 February 2020 and Cabinet on 17 March 2020.

Appendix A

KLIC Independent Inquiry – Terms of Reference and Appointment of Chair

Terms of Reference for the Independent Inquiry into the partnership with NWES and its subsidiary and associated companies and those with common shareholders or directors regarding the award of and administration of the KLIC project and all aspects of their financial relationship with BKLWN,

1. Utilising the Internal Audit Report presented to Audit Committee on 11 March, the associated background evidence and papers, together with any further information subsequently prepared for and presented to the Audit Committee Cross Party Working Group as source documentation, together with any further information/evidence gathered on behalf of the Inquiry Panel, undertake a review of the precise nature of the Partnership between the NWES LTD and BCKLWN

2. Identify whether and if so to what extent, the partnership extended to other companies (and if so which companies) within the NWES 'group', assess and report upon the impact/implications of this/these arrangements.

3. Identify whether, and if so to what extent, the partnership arrangements encompassed other companies outside the NWES group of companies where common shareholders and/or directors can be identified. Assess and report upon the impact/implications of any such arrangements

4. Consider and comment upon the administration of the KLIC project in terms of:-

- Procurement of professional team and construction company
- Administration/management of the build phase
- Subsequent operation and management of the KLIC building

Consider and report on the financial arrangements established between NWES and the BCKLWN and in particular the loan of £2,500,000 and subsequent loan of £250,000, the arrangements to secure the loan in the event of any repayment default, the due diligence conducted prior to the agreement of each loan, and the subsequent monitoring of the financial robustness of the NWES group of companies.

5. Consider and report on the member involvement in the establishment, approval, oversight and scrutiny of the arrangement between NWES and the BKLWN with regards to all aspects of the KLIC project.

6. Consider the 'lessons learned' set out in the Internal Audit Committee Task Group and make further recommendations as considered appropriate.

7. Consider the arrangements for the development, management and monitoring of large scale capital projects now adopted and utilised at the Borough Council and make appropriate recommendations for any further steps considered necessary, in terms of both the Officer arrangements and member oversight and determination.

8. In the context of the Council's Capital Strategy and Risk Management Strategy consider the Council's arrangement for the identification, management and mitigation of risk in relation to large scale capital projects and make recommendations as appropriate for enhancements.

BOROUGH OF KINGS LYNN AND WEST NORFOLK

REPORT BY INDEPENDENT INQUIRY CHAIR INTO THE KLIC PROJECT

1 INTRODUCTION

- 1.1 I was asked by members and the Chief Executive of the Borough of Kings Lynn and West Norfolk Council (BKLWN) to undertake an independent inquiry into the partnership with NWES and its subsidiary and associated companies and those with common shareholders or directors regarding the award of and administration of the KLIC project and all aspects of their financial relationship with BKLWN. The terms of reference for that inquiry are attached as Appendix A.
- 1.2 The original intention was that I should chair an independent panel. It was however subsequently agreed that I should undertake this work myself.
- 1.3 I was asked to wait until the cross-party working group (CPWG) completed their report and then decide how best to take the inquiry forward. My understanding was and is that the Council wanted to assure the work done by the Council in understanding the issues raised.
- 1.4 I have read the report which went to the Audit Committee on 11th March 2019 as well as the CPWG terms of reference and their report which went to the Audit Committee on 10th February 2020. I have seen the papers made available to the CPWG as well as the draft minutes of the Audit Committee meeting.
- 1.5 This short report explains why in my view there is little or nothing to be gained from a further inquiry and why it does not appear to me to be in BKLWN's best interests for such an inquiry to be pursued.

2 PROFESSIONAL BACKGROUND

- 2.1 It might be helpful to set out in brief my professional background. I have been a qualified solicitor for 35 years. I have worked for the entirety of that time in the public sector, predominantly in local government. I was Director of Law and Administration and Monitoring Officer for the London Borough of Camden for 8 years. Since leaving Camden in 2006 I have undertaken a range of work including interim appointments in local government, one of which involved setting up and managing a significant investigation into a procurement issue which lasted for 11 months and resulted in 5 senior officers leaving the council. I have undertaken reviews and investigations, mostly but not entirely for local authorities, covering senior officer disciplinarys and grievances, member standards issues (one of which resulted in a change of leader), safeguarding (including child deaths) and deaths in health provision.
- 2.2 It is evident from this that I am not averse to taking on complicated matters and pursuing them to a conclusion. On the other hand, I am also of the view that

organisations need to know when they have done as much as they can to understand an issue and when further pursuit is unlikely to do anything other than keep a difficult issue in the public eye. In general, unless there are evident issues of fraud or malfeasance, once an authority has understood the problem and approved recommendations to make sure that the specific problems do not re-occur, there is little to be gained from continued investigation.

3 ANALYSIS

3.1 I am not going to set out the history of this matter which is well known to officers and members of the council. It is evident from both the initial Audit Committee report and the CPWG report that there were serious issues about the management of the KLIC project within the Council, loans provided by the Council and the financial standing of NWES. Those seem to be well understood and both reports have a series of recommendations which, if adopted, would mean that this kind of project management and due diligence failure should not happen again.

3.2 Concerns continue to be expressed (as recorded in the draft Audit Committee minutes) about what the money loaned by the Council was spent on, why the additional loan was made and why the specification of the building was higher than at least some officers and/or members of the council intended.

3.3 The terms of reference for the independent investigation (attached) and the CPWG whilst not identical cover almost the same ground. The following issues are in the independent investigation terms of reference but are not, explicitly in the CPWG terms of reference:

- *Identify whether and if so to what extent, the partnership extended to other companies (and if so which companies) within the NWES 'group', assess and report upon the impact/implications of this/these arrangements.*
- *Identify whether, and if so to what extent, the partnership arrangements encompassed other companies outside the NWES group of companies where common shareholders and/or directors can be identified. Assess and report upon the impact/implications of any such arrangements*

3.4 Although not explicitly set out in the CPWG terms of reference, their report does deal with the relationship between NWES, NALEP and the Council and the role of Nautilus. This means that the CPWG report has in practice covered the same ground as an independent investigation would cover.

3.5 As an independent investigator, I would only have access to information held by the Council. I could seek to obtain information held by third parties but would have no authority to access it. Similarly I could interview individuals who are current employees or members of the Council. Anyone else could only be interviewed if they agreed.

3.6 In order to investigate the concerns expressed in the draft minutes I would have had to understand what NWES was doing and obtain documents from that organisation. I

would have no authority to do that. The CPWG has looked at the arrangements for the additional loan and concluded that:

The loan of £250k is of special concern. Its authorisation was not considered by Council as the value was within the authority delegated to Cabinet, however, it was wrong to divorce this expenditure from the overall project, the value of which was in excess of Cabinet's delegated authority. Any naïveté should have dissipated by that stage of the project

- 3.7 That appears to me to be a perfectly reasonable conclusion to reach and I have seen nothing which would lead me to contradict this view.
- 3.8 In undertaking an independent investigation I would have looked at the same information available to the CPWG and do not believe that there is likely to be further information within the council which would shed a different light on what has so far been concluded. I could have interviewed current employees and members but this is in my experience unlikely to shed much if any further light on the matter This issue has been exhaustively looked at by the Council. In many ways I would commend them for their handling of the fallout (if not for the original project).
- 3.9 I do not disagree with the conclusions and recommendations of the Audit Committee and the CPWG. They appear to me to be comprehensive in terms of preventing similar problems in the future.
- 3.10 If this is the case, then the only purpose of having an independent investigation is, essentially, to mark the homework the council has already done. To initiate this step would potentially cost the council significant sums (depending on how extensive any investigation would need to be), would perpetuate the issue within the council and externally and undermine the council's own processes for resolving these issues. In the absence of any evidence or suggestion of fraud or other criminal acts, this is not a sensible use of the council's resources. If there is any evidence of criminal activity (and none has been revealed or even suggested) then the right agency to deal with this is the police.

4 CONCLUSION

- 4.1 In my view, the Council has a very good and comprehensive understanding of what went wrong. I cannot see that any useful purpose would be served by a further investigation by me (or any other independent investigator If what the council wanted was re-assurance that they have done as much as they can, then this report provides that re-assurance.

Alison Lowton
19th February 2020

KLIC Independent Inquiry – Terms of Reference and Appointment of Chair

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1. Utilising the Internal Audit Report presented to Audit Committee on 11 March, the associated background evidence and papers, together with any further information subsequently prepared for and presented to the Audit Committee Cross Party Working Group as source documentation, together with any further information/evidence gathered on behalf of the Inquiry Panel, undertake a review of the precise nature of the Partnership between the NWES LTD and BCKLWN

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4. Consider and comment upon the administration of the KLIC project in terms of:-

- Procurement of professional team and construction company
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Consider and report on the financial arrangements established between NWES and the BCKLWN and in particular the loan of £2,500,000 and subsequent loan of £250,000, the arrangements to secure the loan in the event of any repayment default, the due diligence conducted prior to the agreement of each loan, and the subsequent monitoring of the financial robustness of the NWES group of companies.

5. Consider and report on the member involvement in the establishment, approval, oversight and scrutiny of the arrangement between NWES and the BKLWN with regards to all aspects of the KLIC project.

6. Consider the 'lessons learned' set out in the Internal Audit Committee Task Group and make further recommendations as considered appropriate.

7. Consider the arrangements for the development, management and monitoring of large scale capital projects now adopted and utilised at the Borough Council and make appropriate recommendations for any further steps considered necessary, in terms of both the Officer arrangements and member oversight and determination.

8. In the context of the Council's Capital Strategy and Risk Management Strategy consider the Council's arrangement for the identification, management and mitigation of risk in relation to large scale capital projects and make recommendations as appropriate for enhancements.

REPORT TO CABINET

Open		Would any decisions proposed :			
Any especially affected Wards	Discretionary /	Be entirely within Cabinet's powers to decide		NO	
	Operational	Need to be recommendations to Council		YES	
		Is it a Key Decision		NO	
Lead Member: Leader Brian Long E-mail: cllr.Brian.Long@West-Norfolk.gov.uk		Other Cabinet Members consulted:			
		Other Members consulted:			
Lead Officer: Michelle Drewery E-Mail: Michelle.Drewery@West-Norfolk.gov.uk Direct Dial: 01553 616432		Other Officers consulted:			
Lead Officer: Jamie Hay E-mail: Jamie.hay@west-norfolk.gov.uk Direct Dial: 01553 616701		Assistant to the Chief Executive Assistant Director Companies and Housing Delivery Senior Policy & Performance Officer Chief Operating Officer, Alive West Norfolk EastLaw Internal Audit Equalities Working Group Unison Personnel Officer			
Financial Implications YES	Policy/ Personnel Implications YES	Statutory Implications NO	Equal Impact Assessment YES If YES: Pre-screening	Risk Management Implications NO	Environmental Considerations NO

Date of meeting: 30 June 2020

ANTI-MONEY LAUNDERING POLICY

Summary

Regulated Authorities must have provisions in place relating to 'Money Laundering', as a Local Authority we are not legally obliged to apply the provisions of the Money Laundering Regulations 2007. However, as a responsible public body, the Borough Council who do not undertake any such regulated activities should employ policies and procedures which reflect the essence of the UK's anti-terrorist financing, and anti-money laundering regimes. Such legislation has been considered by professional bodies, resulting in best practice guidance being issued that requires local authorities to establish internal procedures to prevent the use of their services for money laundering. As part of the work being undertaken by the Internal Audit Department in respect of anti-fraud, anti-corruption / bribery this is a new policy being introduced to enhance the Council's controls and mitigation to the risk of serious fraud / money laundering. This report provides information regarding the proposed policy and procedures including roles and responsibilities and the particular criminal offences/activities that relate to money laundering.

Recommendation

Cabinet is asked to recommend to Council:

- 1) The introduction of the Anti-Money Laundering Policy and the associated procedures that are contained/attached within the policy and the appendices with immediate effect.

Reason for Decision

To introduce the anti-money laundering policy and the associated procedures as a new policy, as the council do not currently have any policy or procedures in place for anti-money laundering purposes. This policy looks to provide a clear process for officers/members who wish to report suspicions of money laundering and to the same end helps to raise suspicions of serious crime to the relevant responsible officers and other organisations (the National Crime Agency – NCA). As well as to protect officers/members who may have a suspicion and may require assistance to prevent further offences and/or obtaining guidance to prevent themselves from inadvertently becoming 'involved' in money offences.

1 Background

- 1.1 The Anti-Money Laundering Policy sets out the Borough Council's policy on what the definition of money laundering actually is, the scope and the legislation requirements regarding money laundering, who the responsible officer(s) will be, the due-diligence procedures to be implemented relating to suspicious activities, the internal reporting procedures for suspicions of money laundering and the further considerations of disclosure to the national governing body for anti-money laundering purposes (the NCA). This policy also introduces all of the relevant documents to be used internally to help officers/members decide if a possible money laundering offence is taking/has taken place, what the potential signs of money laundering may look like, the proposed due diligence and verification of customer identity processes/procedures and the reporting procedures to be introduced.

2 Options Considered

- 2.1 The approval of the new Anti-Money Laundering policy and associated procedures which will be implemented to reduce/mitigate the risk to the authority of its exposure to potential money laundering and terrorist/organised crime related activities or to disregard the policy and accept the potential risks to the authority of its exposure to potential money laundering and terrorist/organised crime related activities.

3 Policy Implications

- 3.1 This will be a new policy (attached to this report) setting out clear processes and procedures in accordance with the current legislation relating to money laundering.

4 Financial Implications

- 4.1 Financial implications will include the cost of any prosecution, which varies dependent upon the case. Prosecution costs are awarded by the Court. Monies will be recovered where any accounts are adjusted following investigation actions. Money may also be received in some

cases from imposing any confiscation orders/freezing of assets, cash seizure & forfeitures related to criminal benefit from the proceeds of crime or unexplained wealth.

5 Personnel Implications

5.1 There was a requirement, under the Councils Facilities and Consultation Agreement – Code of Practice, to consult in full with Unions regarding this matter. This has been carried out and Unison are in full agreement with the policy.

6 Environmental Considerations

6.1 None to be considered.

7 Statutory Considerations

7.1 None to be considered.

8 Equality Impact Assessment (EIA)

8.1 The Pre-Screening EIA has been completed with the Equalities Working Group as attached.

9 Risk Management Implications

9.1 None, this policy is likely to enhance our internal controls to help protect our services from money laundering activities.

10 Declarations of Interest / Dispensations Granted

10.1 None.

11 Background Papers

- Pre-Screening Equality Impact Assessment
- The Proceeds of Crime Act 2002
- The Criminal Finances Act 2017
- Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017
- The HM Treasury Transposition of the Fifth Money Laundering Directive: response to the consultation – January 2020
- The Money Laundering and terrorist financing (amendment) regulations 2019
- The British Art Market Federation (BAMF) Guidance on Anti Money Laundering for UK Art Market Participants (Approved by HM Treasury) – January 2020



ANTI-MONEY LAUNDERING POLICY

June 2020

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1. Introduction

- 1.1 Money Laundering is the process by which criminally obtained money or other criminal property is exchanged for “clean” money or other assets with no obvious link to their criminal origins. The term is used for a number of offences involving the integration of “dirty money” (i.e. the proceeds of crime) into the mainstream economy. The aim is to legitimise the possession of such monies through circulation and this effectively leads to “clean” funds being received in exchange.
- 1.2 Although local authorities are not directly covered by the requirements of The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017, guidance from the Chartered Institute of Public Finance and Accountancy (“CIPFA”) indicates that they should comply with the underlying spirit of the legislation and regulations.
- 1.3 The Borough Council of King’s Lynn & West Norfolk is committed to establishing and maintaining effective arrangements to prevent and detect attempts to launder money using Council services. The Council requires all Members and employees to demonstrate the highest standards of honesty and integrity and this includes compliance with appropriate legislation. The Council is committed to working constructively with the Police and other relevant agencies in relation to combating money laundering and ensuring compliance with the legislation.
- 1.4 This policy should be read in conjunction with the Council’s Anti-Fraud and Corruption Policy. The Council will seek to ensure the corporate stance on money laundering is widely publicised and that employees and Members have access to the appropriate guidance. A breach of these procedures may lead to disciplinary and/or criminal action being taken.

Scope

- 1.5 This policy applies to the Borough Council of King’s Lynn & West Norfolk, and as a consequence it applies to Members and all employees of the Council, including temporary and agency staff as well as those employed in wholly owned entities of the Council. It contains specific sections to advise employees and Members of the process to be followed to enable the Council to comply with its legal obligations.
- 1.6 Our policy is to ensure all appropriate action is taken to prevent, wherever possible, the employees, the Council and its Members from being exposed to money laundering and to comply with all legal and regulatory obligations, including the reporting of suspected or actual cases in line with disclosure requirements.

2. What is Money Laundering?

- 2.1 The Proceeds of Crime Act 2002 (as amended by the Crime and Courts Act 2013, Serious Crime Act 2015 and the Criminal Finances Act 2017), Terrorism Act 2000 (as amended by the Criminal Finances Act 2017) and the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (as amended by the Money Laundering and Terrorist Financing (amendment) Regulations 2019) cover a range of activities and offences in relation to money laundering. The primary ones are listed below; further details are provided in **Appendix A: Offences Table**:
- Concealing, disguising, converting or transferring criminal property or removing it from the UK;
 - Entering into or becoming concerned in an arrangement which you know or suspect facilitates the acquisition, retention, use or control of criminal property by or on behalf of another person;
 - Acquiring, using or possessing criminal property;
 - Failure to disclose knowledge or suspicion of another person(s) involvement in money laundering; and
 - Tipping off or making a disclosure which is likely to prejudice an investigation being carried out by a law enforcing authority, knowing that such an investigation is in motion.
- 2.2 These offences cover a range of activities, which do not necessarily need to involve money or laundering, regarding the proceeds of crime. This means that potentially any employee or Member, irrespective of what sort of Council business they are undertaking, could commit an offence if they become aware of, or suspect the existence of criminal property, irrespective of the size of the benefit gained, and/or fail to report their concerns.
- 2.3 Where an employee/Member suspects money laundering and reports, or are aware that someone else has, they must exercise caution in what is discussed with others as a further offence of “tipping off” may be committed if, knowing or suspecting a disclosure has been made, the employee/Member take any action which is likely to prejudice any investigation that may be conducted.
- 2.4 It is impossible to give a definitive list of ways in which to spot money laundering or how to decide whether to make a report. Facts which tend to suggest that something ‘odd’ is happening may be sufficient for a reasonable suspicion of money laundering to arise. Risk factors which may, either alone or cumulatively with other factors, suggest the possibility of money laundering activity are provided at **Appendix B: Possible Signs of Money Laundering**.
- 2.5 Potentially any employee or Member could be caught by the money laundering provisions if they suspect money laundering and either become involved with it in some way and/or do nothing about it, then they may be liable to prosecution. Heavy penalties, including unlimited fines and up to 14 years imprisonment, can be handed down to those who are convicted of one of the offences listed above.

3. Requirements of the Money Laundering Legislation

- 3.1 The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 impose specific obligations on “relevant persons”.
- 3.2 The term relevant person relates to the following activities carried out in the course of business; tax advice; accounting services; treasury management; investment or other financial services; credit institutions; audit services; legal services; estate agents; services involving the formation, operation or arrangement of a company or trust; dealing in goods wherever a transaction involves a cash payment equivalent to €15,000 (£12,000) or more.
- 3.3 Some activities undertaken by local authorities could be included within the scope of the money laundering regulations. Therefore to ensure compliance with the regulations and legislation and for the purposes of this Policy and Guidance, the Council are considered a relevant person when acting in the course of business and activities carried on by them.
- 3.4 The obligations include the following requirements:
 - Appoint a Money Laundering Reporting Officer (MLRO).
 - Obtain sufficient knowledge to ascertain the true identity of customers in certain circumstances, by applying customer due diligence measures.
 - Know the intended nature of business relationships and undertake ongoing monitoring of them (to identify unusual transactions).
 - Implement a procedure for assessing and controlling risk and reporting suspicions of money laundering.
 - Maintain record keeping procedures (e.g. for evidence of identity obtained, details of transactions undertaken, for at least 5 years).
- 3.5 The European Union 4th Money Laundering Directive requires a focus on risk assessments in relation to anti-money laundering; in particular the need to evidence that an organisation’s exposure to risk is considered as part of ongoing business. As such Assistant Directors/Service Managers should maintain engagement with Internal Audit as business operations change with regard to undertaking appropriate and proportionate assessments.

4. The Money Laundering Reporting Officer (MLRO)

- 4.1 If an individual becomes aware that their involvement in a matter may amount to money laundering then they must report it to the Money Laundering Reporting Officer (MLRO) and not take any further action until they have received consent from the MLRO, who may have to be granted such consent by the National Crime Agency (NCA).
- 4.2 The Council has designated the Shared Internal Audit Manager as the Money Laundering Reporting Officer (MLRO). In the absence of the MLRO or in instances where it is suspected that the MLRO is involved in suspicious transactions, concerns should be raised with the Assistant Director, Resources.

4.3 The MLRO will nominate the Investigations Officer/Internal Auditor to act as their deputy except in the instance that it is suspected that the Investigations Officer/Internal Auditor is involved in suspicious transactions:

4.4 **Address:** Internal Audit, Borough Council of King's Lynn & West Norfolk, Kings Court, Chapel Street, Kings Lynn, PE30 1EX

Telephone Number: 01553 616701

Email: internalauditemail@West-Norfolk.gov.uk

5. Due-Diligence Procedure

5.1 Where the Council is carrying out activities in the course of business (paragraph 3.2), extra care needs to be taken to check the identity of the customer – this is known as carrying out customer due diligence. This is covered in Regulations 27-38 of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017. Details of the process to be undertaken is provided in **Appendix C: Customer Due Diligence Procedure Flowchart**.

When is it done?

5.2 The requirement for customer due diligence applies immediately for new customers and should be applied on a risk basis for existing customers. Ongoing customer due diligence must also be carried out during the life of a business relationship but should be proportionate to the risk of money laundering and terrorist funding, based on the officers' knowledge of the customer and a regular scrutiny of the transactions involved.

Cash Payment Procedure

5.3 Where cash in excess of £1000 is received from customers, employees should ask for, and inspect, identification (**Appendix D: Verification of Customer Identity**). This will help to identify and report any suspicious transactions.

5.4 Electronic or cheque payments to the Council are easily traceable through the banking system. As traceability is key and an individual walking in to pay a debt with cash is not necessarily traceable, it is best practice to insist on payment electronically from a UK Clearing Bank.

Satisfactory Evidence of Identity

5.5 The Council require only the most basic of identity checks (e.g. signed, written instructions on the organisation in question's headed paper at the outset of a particular matter) documented on a Verification of Customer Identity Checklist. The following factors suggest these minimum level checks are appropriate for the Council:

- For Members, employees and contractors of the Council, the Council already has detailed information through recording systems and internal processes.
- For external customers, the Council, as a matter of law, can only provide services to other local authorities and designated public bodies. These customers are heavily regulated and most are well known to us.

Generally:

- We know most of our customers and those through whom they are acting – there is no, or very little, doubt as to their identity;
- Any services that may be defined as regulated business activities are provided to customers who are UK local authority/public bodies; and
- We are subject to defined, robust public sector governance and financial management controls.

Record Keeping Procedures

- 5.6 Each area of the Council acting in the course of business carried on by them, see paragraph 3.2, must maintain records of every customer due diligence record, preferably electronically, and details of all relevant transactions carried out for customers for a minimum of five years from the date of (as appropriate) the transaction / end of any client relationship. This is to meet the requirements of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (Regulation 40) and may be used as evidence in any subsequent investigation/inspection by the relevant supervising body.
- 5.7 Records must be capable of providing an audit trail during any investigation, for example distinguishing the customer and the relevant transaction and recording in what form any funds were received or paid. In practice, the business areas of the Council will be routinely making records of work carried out for customers in the course of normal business and these should suffice in this regard.
- 5.8 Any record keeping should be in line with GDPR and the originating departments Privacy Statement.

6. Reporting Procedure for Suspicions of Money Laundering

- 6.1 Where an employee or Member suspects money laundering activity they must disclose this as soon as practicable to the MLRO. The disclosure should be within “hours” of the information coming to your attention, not weeks or months later.
- 6.2 Disclosures should be made to the MLRO in line with the procedure outlined at **Appendix E: Suspicious Transactions Reporting Procedure**. The standard pro-forma report attached at **Appendix F** should be used for this purpose. The report must include as much detail as possible, for example:

- Full details of the people involved (including employee or Member, if relevant);
 - Full details of the nature of their involvement;
 - The types of money laundering activity involved (see **Appendix B, Possible Signs of Money Laundering**);
 - The dates of such activities, including whether the transactions have happened, are ongoing or are imminent;
 - Where they took place;
 - How they were undertaken;
 - The (likely) amount of money/assets involved;
 - Exactly why there are suspicions; the NCA will require full reasons;
 - Any other relevant available information to enable the MLRO to make a sound judgment as to whether there are reasonable grounds for knowledge or suspicion of money laundering and to enable them to prepare their report to the NCA, where appropriate.
- 6.3 If an employee or Member becomes concerned that their own involvement in a transaction would amount to an offence under sections 327 – 329 of the Proceeds of Crime Act 2002 or Regulations 86 - 88 of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (**see appendix A, Offences Table**), then the report must include all relevant details. Consent will be required from the NCA, via the MLRO, for the individual to take any further part in the transaction. This is the case even if the customer gives instructions for the matter to proceed before such consent is given. Employees and Members should therefore make it clear in the report if such consent is required and clarify whether there are any deadlines for giving such consent e.g. a completion date or court deadline.
- 6.4 Once the matter has been reported to the MLRO then any subsequent directions provided must be followed. Further enquiries into the matter should not be made by the employee or Member; any necessary investigation will be undertaken by the NCA.
- 6.5 Should allegations be raised regarding employees of the Council then the Councils Disciplinary and Dismissal Procedure will also apply.
- 6.6 Should allegations be raised regarding Members of the Council then the Democratic Services Manager should also be contacted.
- 6.7 Reference of any reports being made to the MLRO should not be recorded on client files – should the client exercise their right to see their records, then such a note/reference will tip them off to the report having been made and may render the employee or Member liable to prosecution. The MLRO must keep the appropriate records in a confidential manner.
- 6.8 Any information containing personal and/or sensitive data which is supplied or processed during the course of a money laundering investigation shall not be processed wider than is absolutely necessary for the purposes of determining whether a money laundering offence has been committed.

7. Review

- 7.1 The Borough Council of King's Lynn & West Norfolk will continue to review its rules and procedures and will make sure that the Anti-Money Laundering Policy is regularly reviewed to ensure it stays current, appropriate and effective.

8. Version Control

Policy name		Anti-Money Laundering Policy		
Policy description		Regulated Authorities must have provisions in place relating to Money Laundering, as a Local Authority we are not legally obliged to apply the provisions of the Money Laundering Regulations 2007. However, as a responsible public body, the Borough Council of King's Lynn & West Norfolk who do not undertake any such regulated activities should employ policies and procedures which reflect the essence of the UK's anti-terrorist financing, and anti-money laundering regimes. Such legislation has been considered by professional bodies, resulting in best practice Guidance being issued that requires local authorities to establish internal procedures to prevent the use of their services for money laundering.		
Responsible Officer		Kathy Woodward, Audit Manager		
Version number	Date formally approved	Reason for update	Author	Review date
1.1		To introduce a corporate anti-money laundering policy	Jamie Hay	April 2022

9. Appendix A

OFFENCES TABLE

Section Ref.	Type of Offence	Definition
S327 Proceeds of Crime Act 2002	Money Laundering Offence: Concealing Criminal Property	A person commits an offence if they conceal, disguise, convert or transfer criminal property or if they remove criminal property from England, Wales, Scotland or Northern Ireland. This is punishable by a maximum term of imprisonment of 14 years at the Crown Court and an unlimited fine. At the Magistrates Court it is 6 months and £5,000 fine.
S328 Proceeds of Crime Act 2002	Money Laundering Offence: Arrangements	This offence requires a person to become actively involved in some arrangement which helps someone else to get, keep, use or control the proceeds of a crime. The punishment is as for S327.
S329 Proceeds of Crime Act 2002	Money Laundering Offence: Acquisition, Use and Possession	This offence is committed by anyone that has criminal proceeds in their possession provided they know or suspect that it represents the proceeds of a crime unless they paid 'adequate consideration' for it. Someone who pays less than the open market value is therefore guilty of the offence but someone who pays the full retail price, despite knowing or suspecting they are stolen goods is not guilty. The punishment is as for S327.
S330 Proceeds of Crime Act 2002	Failure to Disclose Offence: Regulated Sector	This offence is committed by an employee of a business in the regulated sector who has knowledge or suspicion of another person's involvement in money laundering and does not make a report through the appropriate channels. Negligence is not a defence as the employee will be tried upon what they should have known given their experience, knowledge and training. This is punishable by a maximum term of imprisonment of 5 years and/or a fine.
S331 Proceeds of Crime Act 2002	Failure to Disclose Offence: Nominated Officers in the Regulated Sector	This offence is committed by a nominated officer (MLRO) of a business in the regulated sector who has knowledge or suspicion of another person's involvement in money laundering and does not make a report through the appropriate channels without an acceptable excuse under the legislation. Negligence is not a defence as the nominated officer will be tried upon what they should have known given their experience, knowledge and training. This is punishable by a maximum term of imprisonment of 5 years and/or a fine.

S332 Proceeds of Crime Act 2002	Failure to Disclose Offence: Other Nominated Officers	This offence is committed by a nominated officer (MLRO) of a business outside of the regulated sector who has knowledge or suspicion of another person's involvement in money laundering and does not make a report through the appropriate channels without an acceptable excuse under the legislation. The officer will be tried on what they knew or suspected not on what they might have been expected to know or suspect. This is punishable by a maximum term of imprisonment of 5 years and/or a fine.
S333 Proceeds of Crime Act 2002	Tipping Off Offence	This offence is committed if an officer or Member makes a disclosure which is likely to prejudice an investigation being carried out by a law enforcing authority, knowing that such an investigation is in motion. This is punishable by a maximum term of imprisonment of 5 years and/or a fine.
Reg 86 Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017	Contravening a relevant requirement	A person commits an offence if they have not followed any relevant guidance issued by the European Supervisory Authorities, Financial Conduct Authority or any other relevant supervisory authority approved by the Treasury. This is punishable by a maximum term of imprisonment of 2 years at the Crown Court, a fine, or both. At the Magistrates Court a term of three months, a fine, or both.
Reg 87 Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017	<u>Prejudicing an investigation</u>	This offence is committed when a person who knows or suspects that an appropriate officer is acting (or proposing to act) in connection with an investigation into potential contravention of a relevant requirement which is being or is about to be conducted. The offence is committed if either they make a disclosure which is likely to prejudice the investigation or they falsely, conceal, destroy or otherwise dispose of, or cause to permit the falsification, concealment, destruction or disposal of, documents which are relevant to the investigation. The punishment is as for Reg. 86 above.
Reg 88 Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017	Providing false or misleading information	There are two separate offences under regulation 88. Under regulation 88(1) a person commits an offence if: <ol style="list-style-type: none"> 1. In purported compliance with a requirement imposed on him by or under the MLR 2017, provides information which is false or misleading in a material particular and knows that the information is false or misleading; or 2. Is reckless as to whether the information is false or misleading. In respect of both offences, the punishment is the same as Regs 86 and 87 above.

10. Appendix B

POSSIBLE SIGNS OF MONEY LAUNDERING

Types of risk factors which *may*, either alone or along with other factors suggest the possibility of money laundering activity:

General

- A new customer with no previous 'history' with the Council;
- A secretive customer: for example, one who refuses to provide requested information without a reasonable explanation;
- Concerns about the honesty, integrity, identity of a customer;
- Illogical third party transactions: for example, unnecessary routing or receipt of funds from third parties or through third party accounts;
- Involvement of an unconnected third party without logical reason or explanation;
- Payment of a substantial sum in cash (but it's reasonable to be suspicious of any cash payments particularly those over £1,000);
- Overpayments by a customer;
- Absence of an obvious legitimate source of the funds;
- Movement of funds to/from overseas, particularly to and from a higher risk country;
- Where, without reasonable explanation, the size, nature and frequency of transactions or instructions is out of line with normal expectations;
- A transaction without obvious legitimate purpose or which appears uneconomic, inefficient or irrational;
- Cancellation or reversal of an earlier transaction;
- Requests for release of customer account details other than in the normal course of business;
- Poor business records or internal accounting controls;
- A previous transaction for the same customer which has been, or should have been, reported to the MLRO.

Property Matters

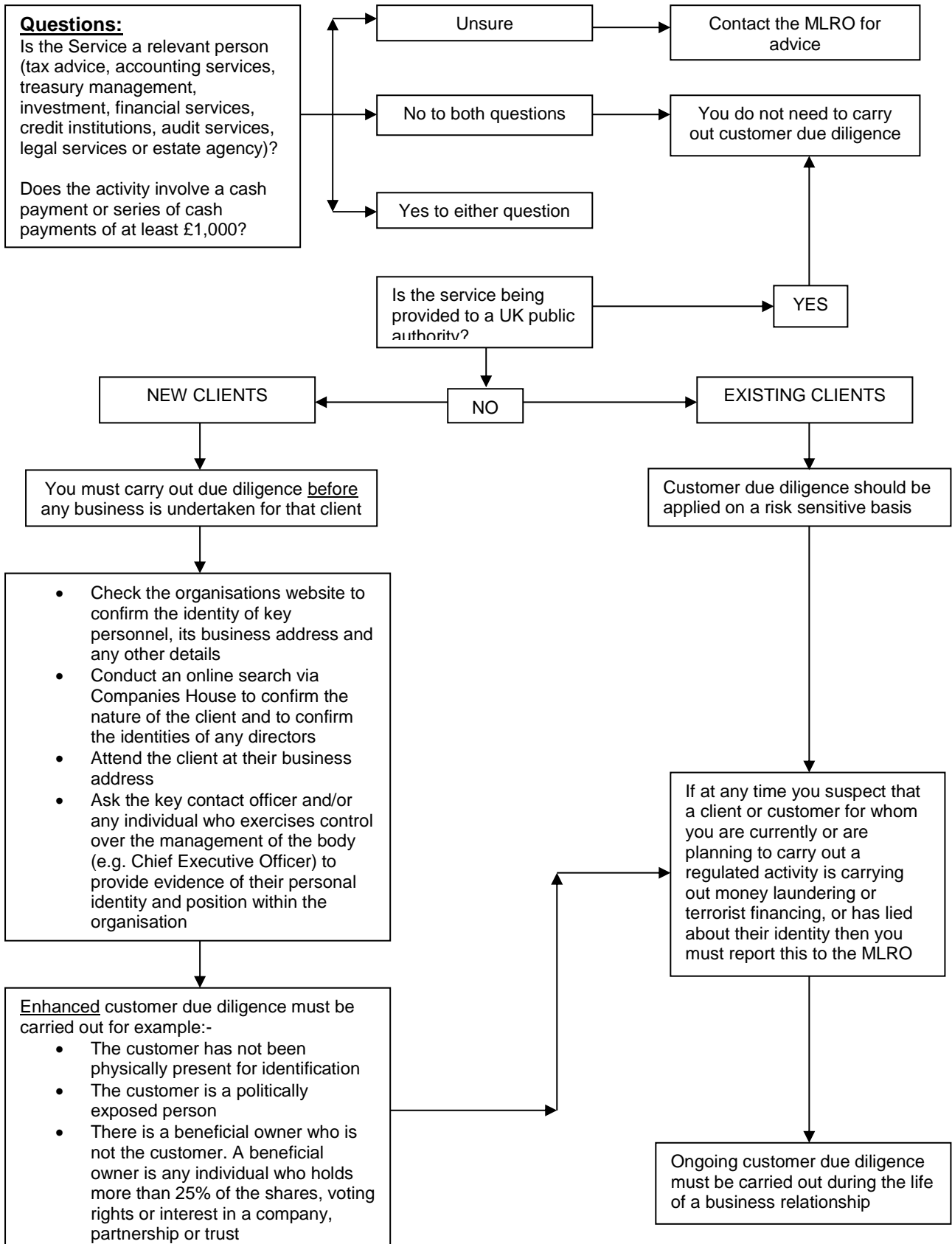
- Unusual property investment transactions with no apparent investment purpose;
- Instructions to receive and pay out money where there is no linked substantive property transaction involved (surrogate banking);
- Regarding property transactions, funds received for deposits or prior to completion from an unexpected source or where instructions are given for settlement funds to be paid to an unexpected destination.

The following table sets out the types of activities that might be suspicious and where the council may be susceptible to money laundering activities. It is not intended to be exhaustive, and just because something is not on the list, it doesn't mean that it shouldn't be reported.

ACTIVITY	The types of activity that may be affected
New customers with high value transactions	<ul style="list-style-type: none"> • Selling property to individuals or businesses • Renting out property to individuals or businesses • Entering into other lease agreements • Undertaking services for other organisations
Secretive clients	<ul style="list-style-type: none"> • Housing benefit claimants who have sums of money entering into / out of their bank account (even if we do not award them benefit, we should still consider money laundering implications) • People buying or renting property from the council who may not want to say what it is for • People receiving grant funding who refuse to demonstrate what funding was used for
Customers who we think are acting dishonestly or illegally	<ul style="list-style-type: none"> • People paying for council services who do not provide details about themselves • People making odd or unusual requests for payment arrangements
Illogical transactions	<ul style="list-style-type: none"> • People paying in cash then requesting refunds • Requests for the council to pay seemingly unconnected third parties in respect of goods / services provided to the council • Requests for the council to pay foreign currencies for no apparent reason
Payments of substantial sums by cash	<ul style="list-style-type: none"> • Large debt arrears paid in cash • Refunding overpayments • Deposits / payments for property
Movement of funds overseas	<ul style="list-style-type: none"> • Requests to pay monies overseas, potentially for "tax purposes"
Cancellation of earlier transactions	<ul style="list-style-type: none"> • Third party "refunds" grant payment as no longer needed / used • No payment demanded even though goods / services have been provided • Sudden and unexpected termination of lease agreements
Requests for client account details outside normal course of business	<ul style="list-style-type: none"> • Queries from other companies regarding legitimacy of customers • Council receiving correspondence / information on behalf of other companies
Extensive and over-complicated client business structures / arrangements	<ul style="list-style-type: none"> • Requests to pay third parties in respect of goods / services • Receipt of business payments (rent, business rates) in settlement from seemingly unconnected third parties
Poor accounting records and internal financial control	<ul style="list-style-type: none"> • Requests for grant funding / business support indicates third party not supported by financial information • Companies tendering for contracts unable to provide proper financial information / information provided raises concerns • Tender for a contract which is suspiciously low
Unusual property investment or transactions	<ul style="list-style-type: none"> • Requests to purchase Council assets / land with no apparent purpose • Requests to rent Council property with no apparent business motive
Overcomplicated legal arrangements / multiple solicitors	<ul style="list-style-type: none"> • Property transactions where the Council is dealing with several different parties

11. Appendix C

CUSTOMER DUE DILIGENCE PROCEDURE FLOWCHART



12. Appendix D

VERIFICATION OF CUSTOMER IDENTITY

Verification of Customer Identity Checklist for customer:

Name: _____

NB: If you are receiving funds from a Council customer in any transaction **above £1,000 cash**, the identity of the customer must be checked.

All suspicions, regardless of amount, should be reported to the MLRO via the Money Laundering Reporting Form.

A. Evidence not obtained – reasons:

1. Customer previously identified in: Month _____ Year _____
2. Other – state reason fully _____

B. Evidence obtained to verify name and address:

(GROUP A) - Acceptable on their own:

- Full national passport.
- Full national driving licence with photo.
- Pension book.
- Armed Forces ID Card.
- Signed ID card of employer known to you.

(GROUP B) - Acceptable with two of next group below:

- Young person NI card (under 18 only).
- Pensioner's travel pass.
- Building Society passbook.
- Credit Reference agency search.
- National ID Card.
- Copy Company Certificate of Incorporation if a limited company.

- Company and 2 Directors personal identify as above.

(GROUP C) - *NOT acceptable on their own:

- Gas, electricity, telephone bill.
- Mortgage statement.
- Council tax demand.
- Bank/Building Society/credit card statement.
- Young persons medical card (under 18 only).
- Home visit to applicants address.
- Check of telephone directory.
- Check electoral roll.

**Suitable for proof of address only*

NB BEST PRACTICE is to have one of Group (a) plus two of Group (c)

C. Evidence obtained for unquoted company or partnership:

- Certificate of Incorporation or equivalent.
- Certificate of Trade or equivalent.
- Latest report and audited accounts.
- Principal shareholder/partner (*personal ID*).
- Principal Director (*personal ID*)
- Screenshot of the customers' website to confirm their business address.
- Screenshot of Companies House website detailing the nature and business of the customer and confirming the identities of directors.
- A written instruction on the organisation in question's headed paper.

D. Disadvantaged Customers:

e.g. Confirmation of identity from Social Worker or Bail Officer, Police, School, Courts etc.

E. If evidence not obtained for the reasons in A, do you have any suspicions regarding identity? _____

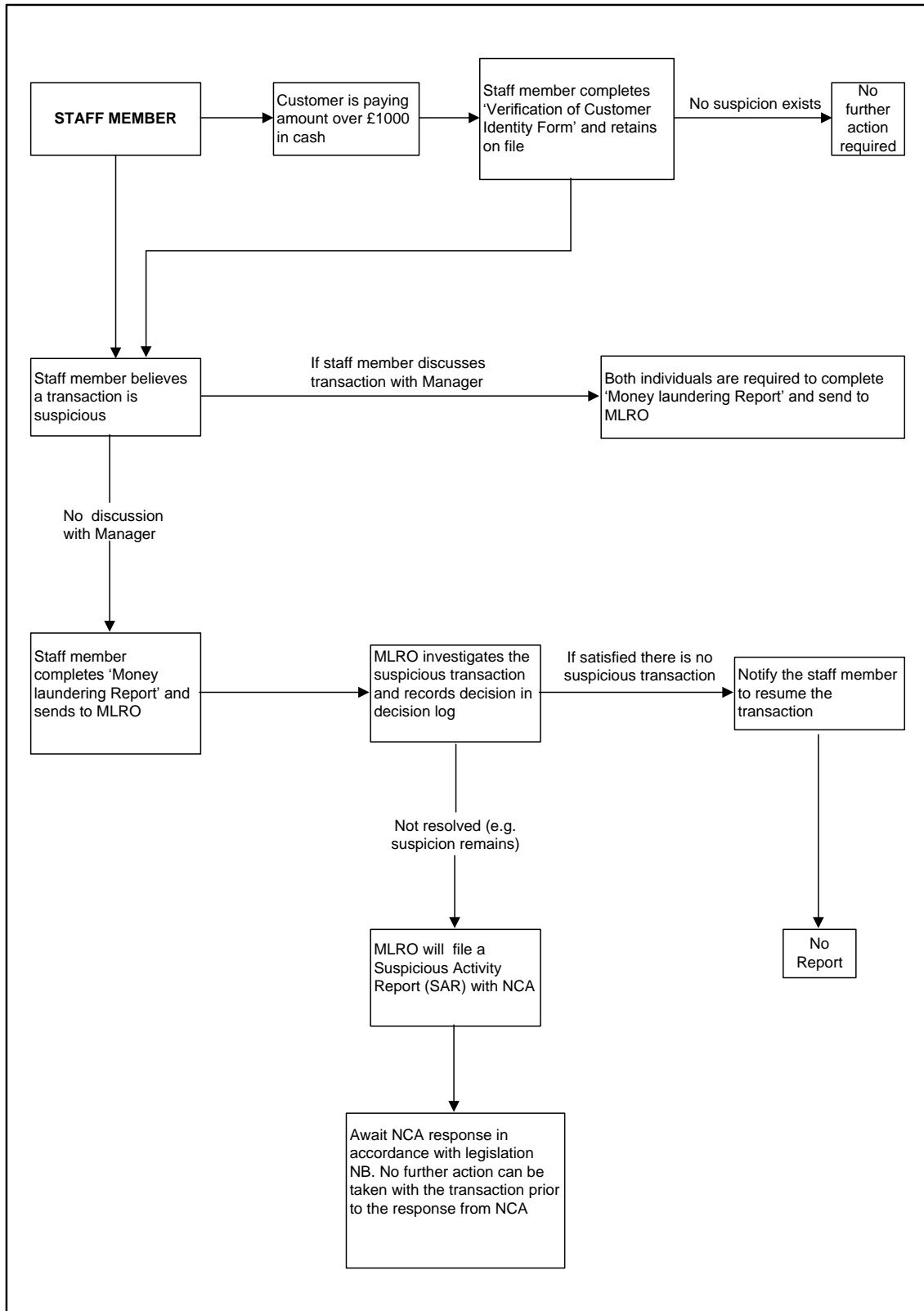
I confirm that I have seen the originals of the documents indicated above and have identified the above Customer(s)

Signed _____ **Date** _____

NB Wherever possible TAKE PHOTOCOPIES of the identification evidence TO PLACE ON FILE. Copies should be notarised to indicate a copy and signed to evidence sight of the original.

13. Appendix E

SUSPICIOUS TRANSACTION REPORTING PROCEDURE



14. Appendix F

MONEY LAUNDERING REPORT

CONFIDENTIAL

To: Money Laundering Reporting Officer

From:
[insert name of officer]

Directorate: Ext/Tel No:.....
[insert post title and Service Area]

DETAILS OF SUSPECTED OFFENCE

Name(s) and address(es) of person(s) involved:

[if a company/public body please include details of nature of business]

Nature, value and timing of activity involved:

[Please include full details eg what, when, where, how. Continue on a separate sheet if necessary]

Nature of suspicions regarding such activity:

[Please continue on a separate sheet if necessary]

Has any investigation been undertaken (as far as you are aware)?

[Please tick the relevant box]

Yes

No

If yes, please include details below:

Have you discussed your suspicions with anyone else?

[Please tick the relevant box]

Yes

No

If yes, please specify below, explaining why such discussion was necessary:

Have you consulted any supervisory body guidance re: money laundering? (e.g. the Law Society)

[Please tick the relevant box]

Yes

No

If yes, please specify below:

Do you feel you have a reasonable excuse for not disclosing the matter to the NCA? (eg are you a lawyer and wish to claim legal professional privilege?)

[Please tick the relevant box]

Yes No

If yes, please set out full details below:

Are you involved in a transaction which might be a prohibited act under sections 327- 329 of the Proceeds of Crime Act 2002 or Regulations 86 – 88 of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 and which requires appropriate consent from the NCA? (see Appendix A, Offences Table)

[Please tick the relevant box]

Yes No

If yes, please enclose details in the box below:

Please set out below any other information you feel is relevant:

Signed:..... **Dated:**.....

Please do not discuss the content of this report with anyone else and in particular anyone you believe to be involved in the suspected money laundering activity described. To do so may constitute a tipping off offence, which carries a maximum penalty of 5 years' imprisonment.

THE FOLLOWING PART OF THIS FORM IS FOR COMPLETION BY THE MLRO

Date report received:

Date receipt of report acknowledged:

CONSIDERATION OF DISCLOSURE:

Action Plan:

OUTCOME OF CONSIDERATION OF DISCLOSURE:

Are there reasonable grounds for suspecting money laundering activity?

If there are reasonable grounds for suspicion, will a report be made to the NCA?

[Please tick the relevant box]

Yes

If yes, please confirm date of report to the NCA:

and complete the box below:

Details of liaison with the NCA regarding the report:

Notice Period: to

Moratorium Period: to

Is consent required from the NCA to any ongoing or imminent transactions which would otherwise be prohibited acts?

[Please tick relevant box]

Yes No

If yes, please confirm full details in the box below:

Date consent received from the NCA:

Date consent given by you to employee:

If there are reasonable grounds to suspect money laundering, but you do not intend to report the matter to the NCA, please set out below the reason(s) for non-disclosure:

[Please set out any reasonable excuse for non-disclosure]

Date consent given by you to employee for any prohibited act transactions to proceed:

Other relevant information:

Signed:..... Dated:.....

THIS REPORT TO BE RETAINED SECURELY FOR AT LEAST FIVE YEARS

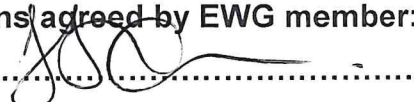
Earliest disposal date:

Pre-Screening Equality Impact Assessment

Borough Council of
King's Lynn & West Norfolk



Name of policy/service/function	Anti-Money Laundering Policy				
Is this a new or existing policy/service/function?	New Policy				
<p>Brief summary/description of the main aims of the policy/service/function being screened.</p> <p>Please state if this policy/service is rigidly constrained by statutory obligations</p>	<p>Regulated Authorities must have provisions in place relating to Money Laundering, as a Local Authority we are not legally obliged to apply the provisions of the Money Laundering Regulations 2007. However, as a responsible public body, the Borough Council who do not undertake any such regulated activities should employ policies and procedures which reflect the essence of the UK's anti-terrorist financing, and anti-money laundering regimes. Such legislation has been considered by professional bodies, resulting in best practice Guidance being issued that requires local authorities to establish internal procedures to prevent the use of their services for money laundering.</p>				
Question	Answer				
<p>1. Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups according to their different protected characteristic, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</p> <p>Please tick the relevant box for each group.</p> <p>NB. Equality neutral means no negative impact on any group.</p>		Positive	Negative	Neutral	Unsure
	Age			X	
	Disability			X	
	Gender			X	
	Gender Re-assignment			X	
	Marriage/civil partnership			X	
	Pregnancy & maternity			X	
	Race			X	
	Religion or belief			X	
Sexual orientation			X		

	Other (eg low income)			X	
Question	Answer	Comments			
2. Is the proposed policy/service likely to affect relations between certain equality communities or to damage relations between the equality communities and the Council, for example because it is seen as favouring a particular community or denying opportunities to another?	No				
3. Could this policy/service be perceived as impacting on communities differently?	No				
4. Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?	No				
5. Are any impacts identified above minor and if so, can these be eliminated or reduced by minor actions? If yes, please agree actions with a member of the Corporate Equalities Working Group and list agreed actions in the comments section	No	Actions: None .			
		Actions agreed by EWG member: 			
<p>If 'yes' to questions 2 - 4 a full impact assessment will be required unless comments are provided to explain why this is not felt necessary:</p> <p style="text-align: center;">N/A .</p> <p>Decision agreed by EWG member:</p>					
Assessment completed by:		James Hay			
Name					
Job title		Investigations Officer / Internal Auditor			
Date		10/02/20			

REPORT TO CABINET

Open/Exempt		Would any decisions proposed :			
Any especially affected Wards	Mandatory/	Be entirely within Cabinet's powers to decide		NO	
	Discretionary /	Need to be recommendations to Council		YES	
	Operational	Is it a Key Decision		YES	
Lead Member: Cllr Brian Long E-mail: cldr.brian.long@west-norfolk.gov.uk		Other Cabinet Members consulted: All Cabinet members			
		Other Members consulted: Joint Panel			
Lead Officer: Honor Howell E-mail: Honor.Howell@West-Norfolk.gov.uk Direct Dial:01553 616		Other Officers consulted: Management Team Assistant Directors			
Financial Implications NO	Policy/ Personnel Implications YES	Statutory Implications NO	Equal Impact Assessment YES If YES: Pre-screening/ Full Assessment	Risk Management Implications YES	Environmental Considerations YES
If not for publication, the paragraph(s) of Schedule 12A of the 1972 Local Government Act considered to justify that is (are) paragraph(s)					

Date of meeting: 30 JUNE 2020

COVID 19 RECOVERY STRATEGY

<p>Summary</p> <p>This report presents the proposed recovery strategy, governance arrangements and how the achievement of the recovery objectives will be monitored.</p> <p>Recommendation</p> <p>That Cabinet recommend to Council that the proposed Recovery Strategy attached to this report is adopted.</p> <p>Reason for Decision</p> <p>To establish the council's policy framework for the recovery from the Covid 19 pandemic and how the council will focus its resources.</p>
--

1 Background

- 1.1 This recovery strategy will be presented to the joint scrutiny panels on 25th June and any recommendations will be presented to Cabinet.
- 1.2 The document outlines the planning work that is now underway to support the recovery from COVID-19 for the Borough Council of King's Lynn and West Norfolk. This work is critical to support the borough's residents, the economy and businesses during this challenging situation.

- 1.3 The proposed recovery strategy will support the borough's residents, the economy, businesses and our staff and members, review the delivery of public services and consider the financial resilience of the council and how it will need to operate differently in the new normal, learning the lessons from the pandemic.
- 1.4 The recovery strategy has the following themes which draw upon a Recovery Impact Assessment undertaken as part of the Norfolk Resilience Forum's recovery work:
- Finance
 - People
 - Economy
 - Health and social care
 - ICT
- 1.5 Although the approved Corporate Business Plan was produced prior to the COVID-19 pandemic, the themes are still highly relevant and each of our recovery workstreams will link back to these themes. Alongside this, consideration will be given to how the communications strategy to underpin this work will be complemented by wider engagement with other stakeholders on planning for economic recovery and linkages with strategic work such as King's Lynn Transport Strategy, the Local Plan and climate change and resources frameworks, underpinned by the capital programme and medium-term financial plan.
- 1.6 A COVID-19 Recovery Coordination Group will provide a focus on both internal facing issues and external issues. With oversight from the Chief Executive, the Leader of the Council and Emergency Planning, each of the strands will be led by an Executive Director, supported by Assistant Directors responsible for workstreams that fall within the remit of their directorates. Our response must be deliverable within the resource and financial constraints following COVID-19.
- 1.7 The plan will be monitored and formally presented to the Corporate Performance Panel.
- 1.8 In addition, the activities outlined in the plan will be incorporated into annual directorate and service plans, which in turn will be cascaded into annual performance targets for employees, through the council's performance management scheme.

2 Policy Implications

- 2.1 This document sets out a component of the council's policy framework for the next 12 to 24 months. All other documents and plans will need to take account of this new policy framework when they are being prepared or refreshed.

3 Financial Implications

- 3.1 There are no direct financial implications of this high-level recovery strategy. A more detailed plan will be developed that will consider resourcing issues and the recovery strategy refers to a need to review the capital programme and financial plan.

4 Personnel Implications

- 4.1 During the pandemic, our resources have been focused on the immediate response phase and some of this work will continue in the new normal. The Recovery Strategy must take into consideration the finite resources the council has to actually deliver the recovery plan so a review of priorities will need to be carried out as soon as possible.

5 Environmental Considerations

- 5.1 The corporate business plan includes a specific priority focused on protecting and enhancing the environment including tackling climate change. Climate change will be a consideration within the implementation plan.

6 Statutory Considerations

- 6.1 None.

7 Equality Impact Assessment (EIA)

- 7.1 None – see attached pre-screening report.

8 Risk Management Implications

- 8.1 There are risks that without the benefit of a coherent recovery strategy the work of the council could lack a clear focus and sense of direction. This plan provides clarity to our work and a rationale for our activities whilst aligning the work of the council with local and national political priorities.
- 8.2 The corporate risk register will be reviewed to ensure it is aligned with the new corporate business plan and the recovery strategy.

9 Declarations of Interest / Dispensations Granted

- 9.1 None.

10 Background Papers

- 10.1 Corporate Business Plan (January 2020)

Pre-Screening Equality Impact Assessment

Borough Council of
King's Lynn & West Norfolk



Name of policy/service/function	Covid 19 recovery strategy				
Is this a new or existing policy/service/function?	New				
<p>Brief summary/description of the main aims of the policy/service/function being screened.</p> <p>Please state if this policy/service is rigidly constrained by statutory obligations</p>	<p>The recovery strategy sets the direction of the council and the priorities for the next 12-24 months.</p> <p>The plan reflects local need, local political priorities and the changing legislative and policy framework in which the council operates.</p>				
Question	Answer				
<p>1. Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups according to their different protected characteristic, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</p> <p>Please tick the relevant box for each group.</p> <p>NB. Equality neutral means no negative impact on any group.</p>		Positive	Negative	Neutral	Unsure
	Age			<input checked="" type="checkbox"/>	
	Disability			<input checked="" type="checkbox"/>	
	Gender			<input checked="" type="checkbox"/>	
	Gender Re-assignment			<input checked="" type="checkbox"/>	
	Marriage/civil partnership			<input checked="" type="checkbox"/>	
	Pregnancy & maternity			<input checked="" type="checkbox"/>	
	Race			<input checked="" type="checkbox"/>	
	Religion or belief			<input checked="" type="checkbox"/>	
	Sexual orientation			<input checked="" type="checkbox"/>	
	Other (eg low income)			<input checked="" type="checkbox"/>	

Question	Answer	Comments
<p>2. Is the proposed policy/service likely to affect relations between certain equality communities or to damage relations between the equality communities and the Council, for example because it is seen as favouring a particular community or denying opportunities to another?</p>	No	
<p>3. Could this policy/service be perceived as impacting on communities differently?</p>	No	
<p>4. Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?</p>	No	
<p>5. Are any impacts identified above minor and if so, can these be eliminated or reduced by minor actions?</p> <p>If yes, please agree actions with a member of the Corporate Equalities Working Group and list agreed actions in the comments section</p>	No	<p>Actions:</p>
		<p>Actions agreed by EWG member:</p> <p>.....</p>
<p>If 'yes' to questions 2 - 4 a full impact assessment will be required unless comments are provided to explain why this is not felt necessary:</p> <p>Not applicable.</p> <p>Decision agreed by EWG member:</p>		
<p>Assessment completed by:</p> <p>Name</p>	Ged Greaves	
<p>Job title</p>	Senior Policy and Performance Officer	
<p>Date</p>	18 June 2020	



COVID-19: A PATH TO RECOVERY

June 2020

1. Introduction

- 1.1 'Recovery' is a workstream to drive the recovery phase of COVID-19, to support the borough's residents, the economy, businesses and our staff and members, in the delivery of public services and consider the financial resilience of the council and how it will need to operate in the new normal, learning the lessons from the pandemic.
- 1.2 This report provides an update on the new COVID-19 Recovery Coordination Group. This work recognises that there will be several distinct phases to activity, including work over the next few weeks as lockdown eases, the opening of the borough post lockdown and the medium- and longer-term recovery.
- 1.3 Reviewing the council's Corporate Business Plan will be a crucial part of the forward planning work. This document will play a key role in shaping the future of the borough over the coming years as we respond to the challenges of recovering from the impacts of the pandemic. Recovery will be an iterative process, highly dependent on how the virus is controlled over the coming months.
- 1.4 This work will be undertaken, which involves stakeholders including local businesses, members, the voluntary and community and social enterprise sector (VSCE), and the LEP along with the continued collaborative working with the Norfolk Resilience Forum, who are leading on outbreak control, as part of the ongoing emergency planning and business continuity response. It is likely that the council will remain in 'response' phase until the end of July 2020, overlapping the work on normalisation and recovery.

2. Background

- 2.1 This report outlines the planning work that is now underway to support the recovery from COVID-19 for the Borough Council of King's Lynn and West Norfolk. This work is critical to support the borough's residents, the economy and businesses during this challenging time. It will also enable the council to make sustained changes to how it operates internally and politically. The recovery work will also include the financial recovery required for the council, given the very significant impacts that the pandemic has had on the financial position of the council, as with all other local authorities.
- 2.2 Nationally, the Government announcements at the March budget and subsequently have resulted in a total support package of around £50 billion, more than 2% of GDP. This is a larger package than the Government deployed in the 2008/09 financial crisis. Despite this level of support, the Office for Budget Responsibility predicts an unprecedented national economic contraction of up to 35% in the next quarter of the year, leaving an additional 2 million people unemployed. The National Institute of Economic and Social Research has estimated the total economic effects could be as high as £800 billion nationally over the next 10 years.
- 2.3 The economic effects of the health response to the COVID-19 pandemic in the UK are already dramatic – as they are in affected economies around the world. Early indicators suggest that the 'sudden stop' in general economic activity is more severe than during the depths of the 2008 financial crisis. Traditional measures of economic activity are not timely

enough to capture these effects. Data on Universal Credit take up, The Purchase Managers' Index (PMI) and national and local data of High Street footfall all point to the economy rapidly stalling.

- 2.4 The timing and phasing of the recovery will be influenced by national policy decisions made by the Government as the health crisis evolves over the coming weeks and months. It is critical that we start to plan forward for our recovery at this time of national uncertainty, as well as continuing to deliver the immediate response phase effectively.
- 2.5 This report sets out the key workstreams that need to be progressed for the council to prepare as effectively as possible for the recovery. These workstreams will link back to the priorities and objectives identified within our Corporate Business Plan. The workstreams will be co-ordinated through an officer group, in liaison with elected members and portfolio holders and will report to the Strategic Recovery Board, led by the Chief Executive, the Leader of the Council, alongside representation from the council's Emergency Planning team.
- 2.6 The success of recovery will be significantly influenced by the success of the national Test and Trace programme. Led by Norfolk County Council, the borough council will have a vital role to play in responding to any local lockdowns that arise through this testing programme.

3. Resetting the Corporate Business Plan

- 3.1 The forward planning work will start from our Corporate Business Plan which was developed through extensive consultation with members and Cabinet and was formally adopted by the council in January 2020. The plan set a vision for the borough, detailed below:

'West Norfolk is a place where businesses and people can flourish; where communities are active and healthy; where residents and visitors can access fulfilling cultural, leisure and sporting activities; and where a good quality of life and environment are available to all.

As part of our vision, the council is committed to ensure equality for all residents of and visitors to west Norfolk, and to its employees.


- 3.2 The Corporate Business Plan priorities and objectives were divided into six themes:
 - Focusing on delivery
 - Delivering growth in the economy and with local housing
 - Protecting and enhancing the environment including tackling climate change
 - Improving social mobility and inclusion
 - Creating and maintaining good quality places that make a positive difference to people's lives
 - Helping to improve the health and wellbeing of our communities
- 3.3 Although the Corporate Business Plan was produced prior to the COVID-19 pandemic, the themes are still highly relevant and each of our recovery workstreams will link back to these themes. Alongside this, consideration will be given to how the communications strategy to underpin this work will be complemented by wider engagement with other stakeholders on planning for economic recovery. We should also ensure it coordinates with other parallel

strategies such as the King’s Lynn Transport Strategy, the Local Plan and the Climate Change Strategy, underpinned by the council’s capital programme and medium-term financial plan.

4. Structure of the Workstreams

- 4.1 A Recovery Impact Assessment (RIA) was been carried out by the Norfolk Recovery Delivery Group which highlighted a summary of issues and mitigations identified by Delivery Groups (DG’s) and NRF agencies in their responses to COVID-19. Our recovery workstreams will link to the appropriate sections highlighted in the RIA (some are focused on County Council functions, therefore not as relevant to us). These are People, Economy, Infrastructure, Environment, Health and Social Care and others. Again, these will dovetail into the 6 themes of the Corporate Business Plan, along with the financial impact on the council of the pandemic, which will require us to update the Financial Plan and the Capital Programme.
- 4.2 The structure of our COVID-19 Recovery Coordination Group will provide a focus on both internal facing issues and external issues. With oversight from the Chief Executive, the Leader of the Council and Emergency Planning, each of the strands will be led by an Executive Director, supported by Assistant Directors responsible for workstreams that fall within the remit of their directorates. Our response must be deliverable within the resource and financial constraints following COVID-19.
- 4.3 The table below demonstrates the sections highlighted in the RIA, the areas of recovery work that fall into these sections and how they link to the Corporate Business Plan.

Figure 1

Issues Highlighted by RIA	Recovery Priorities	Corporate Objective
		
Finance	<ul style="list-style-type: none"> • Closely monitor and update budget impact analysis • Update the council’s budget to understand the short- and medium-term implications of the loss of income and increased expenditure during COVID-19 • Review the capital programme to ensure that the schemes still reflect the council’s current priorities and that these are affordable in the new financial landscape. 	Focus on Delivery (Internally Focused)
People	<ul style="list-style-type: none"> • Home/office working • Work with staff and Unison to implement changes to the internal layout of the council’s buildings to support social distancing • Resource Management 	Focus on Delivery (Internally Focused)

	<ul style="list-style-type: none"> • Staff Welfare 	
Economy	<ul style="list-style-type: none"> • Collaboration with local businesses • Using Planning and Licensing powers to support businesses • Continue to deliver grants and support to businesses • Engage with businesses, representative groups and relevant public authorities, and monitor relevant data sources and emerging national and local analysis, to better understand the challenges facing business • Work in partnership to develop appropriate solutions to the challenges identified, including through our planning and licensing functions and by working with partners on issues such as improving attainment, skills and pathways to work • Work to deliver the Future High Streets and Town's Funds to invest in the future of the Town Centre to ensure its ongoing sustainability, re-assessing priorities following COVID-19 lockdown • Engage in wider recovery plans with partners including the LEP and the Norfolk Resilience Forum 	Delivering growth in the economy and with local housing (Externally Focused)
Health, Wellbeing and Homelessness	<ul style="list-style-type: none"> • Build on the existing Lily service to continue with the Community Response Hub, securing funding and resource to continue this important work • Connect volunteering and mutual aid groups, supporting them to maintain momentum and take ownership of their neighbourhoods • Study emerging trends in equality impacts for minority and vulnerable groups and work with partners to minimise adverse impacts on those identified • Test and trace • A focus on the health and wellbeing of our communities, recognising the impact of underlying physical conditions with COVID-19 – building 	Helping to improve the health and wellbeing of our communities (Externally Focused)

	<p>on the good habits shown during lockdown</p> <ul style="list-style-type: none"> • To harness the benefits in our response to COVID-19 for support and wrap-around services for homelessness • Ability to stand up quickly to a potential second wave • Continue with our excellent collaborative relationship with the Queen Elizabeth Hospital • Harness social capital • Utilising our leisure offer to support healthy living 	
ICT	<ul style="list-style-type: none"> • Develop an ICT strategy which looks at how technology can enable organisational and service transformation – unlocking efficiency savings and providing a better experience for service users 	Focus on Delivery (Internally Focused)

5. Finance – Internal Focus

- 5.1 The COVID-19 pandemic has had a significant effect on the financial position of all Local Authorities. Nationally, emergency fund of £3.2bn has been announced to support Council's through the immediate pressures. This has been made available through non-ringfenced grant funding of £1.6bn. the first funding announcement was 20 March and the council was allocated £96,000. The second was on 29 April and we were allocated an extra £1.5m.
- 5.2 The current estimate of the financial impact on the council as a loss of direct income will be presented to Cabinet in August 2020, although it is acknowledged that income has reduced significantly since the start of the COVID-19 pandemic. We should also be mindful that the town centre, the evening economy and tourism being some of the last businesses to be allowed to re-open. It will also become clearer how local authorities will need to deliver further support requirements, particularly for our most vulnerable residents, whether in their home or in supported housing. We also need to promote other wrap-around services such as debt advice through our contracted services with the 3rd sector.
- 5.3 Income losses are expected to continue far beyond the initial crisis and may extend for a number of years before we see a return to previous levels. The income streams affected include business rates, council tax, sales fees and charges and income from Alive West Norfolk, which has received virtually no income since 14th March 2020.
- 5.4 As well as the in-year budget impact for 2020/2021 – due to a combination of increased costs (housing the homeless, investment in IT to enable staff to work from home, and lost income from car parks, commercial rents, planning fees, licensing event bookings and collection of council tax and business rates), over the medium term, the financial impact

could impede the council being able to deliver some services and some difficult decisions will have to be made in respect of ongoing service delivery. We may need to extend recovery of some debts over several years.

- 5.5 There will need to be a focus on our wholly owned council companies and how the pandemic has affected their cashflow and finances. For example, Alive West Norfolk has received no income since March and will require financial support. It is also highly likely that the fitness area of the economy will be one of the last to reopen and social distancing measures will significantly impact on their operations and ability to generate income for the foreseeable future.
- 5.6 The Spending Review planned for 2020 is now on hold. The Government has also confirmed that the Fair Funding Review which will determine the funding allocations to individual Local Authorities and 75% business rates retention will no longer be implemented in 2021/22.
- 5.7 The council needs to work with the wider local government sector to lobby central government for more funding to limit the impact on local services – and wider reform of council financing over the longer term. However, we need to take decisions now in order to provide a funded budget and a revised budget and capital programme will be presented to Cabinet in August to reflect this.

Key Recovery Plan Actions

- Update current year budget and present a revised revenue and capital budget for 2020/21
- Lobby government to ensure the council is compensated for the financial impacts of COVID-19, alongside beginning the budget setting process for 2021/2022
- Work with Alive West Norfolk on their reopening plan and focus on initiatives that generate income to ensure the ongoing viability of the sports and leisure facilities
- Review the capital programme to ensure the schemes still reflect the council's reviewed (post COVID-19) priorities and that these are affordable in the new financial landscape
- Future High Streets and Town's Fund realigned to the new challenges
- Recognise the importance of car parking income to the council's financial position
- Update the council's financial plan to understand the short and medium implications for savings requirements and use of reserves
- Focus on stimulation of the economy (new housing, business units)

6. People and Welfare (Internal Focus)

- 6.1 COVID-19 has forced the council to change its operations and how it delivers services to residents. These changes had to be made very quickly, displaying the council's ability to adapt rapidly when required. This has included new ways of working, with home and remote working for staff, who have quickly adapted to digital tools for running meetings. Council meetings have also moved entirely online via Zoom, enabling a live stream via YouTube for the public wishing to attend the meeting.
- 6.2 Since early March, staff who are able to work from home have been doing so or splitting their time between home and the office. Those unable to work from home remain office based or work predominantly outside. There have been changes to the internal layout of

King's Court and other council offices to support social distancing and this will continue to reflect the national guidance as social distancing measures change over the coming weeks. It should be noted that many council officers are designated as keyworkers due to the nature of their work in supporting service delivery during the pandemic.

- 6.3 A review of working practices will also be undertaken to support new ways of working post COVID-19.

Key Recovery Actions

- Operating in the 'new normal' – flexible working and supporting staff in the workplace
- Operate wider working hours/weekends to maintain social distancing in the office
- Flexibility within the workforce to work on priorities, including temporary or permanent redeployment
- Ensure staff are working effectively to avoid 'burn out' for those working on COVID-19 response
- Functions/services will be redesigned to enable effective delivery going forward – including recruitment and selection processes, delivery of training and welfare appointments
- More formalised approach and support for those predominantly working from home
- Continued support for shielding staff
- Build on the progress made with the shift away from face-to-face enquiries and focus more on online support, guarding against digital exclusion.

7. Economy (Business, Tourism, Retail)

- 7.1 **Delivering growth in the economy and with local housing** is a priority objective within the Corporate Business Plan. As such, the council will work closely with businesses across all sectors, the BID and Norfolk County Council to support them to open again, in a measured way, recognising that economic recovery will be private sector led. The council's role will be to guide, inform and assist.
- 7.2 The impact of lockdown on the three town centres has been significant. The council's objective is to support the local economy whilst implementing measures to protect residents and visitors from possible transmission of the virus to avoid a second peak.
- 7.3 The impact on the borough's jobs market could be significant. In April 2020, Universal Credit applications increased by 568% on the previous month and 343% on April 2019.
- 7.4 In the west Norfolk area, 15,700 people have been furloughed, equating to around 30% of the working population. When the furlough scheme ends, we could see a spike in redundancies which will greatly impact on the area's ability to 'bounce back' from the economic effects of the pandemic.
- 7.5 The economic recovery plan needs to be tailored to respond appropriately to our economic requirements as the national position on further exit from lockdown becomes evident and our understanding of the impacts on the borough are better understood. This will require good qualitative information to be gathered as well as devising a mix of traditional and new economic indicators.

7.6 Social Distancing

- 7.6.1 The council is working closely with the BID and Norfolk County Council to develop a range of measures to support social distancing in the towns as more shops and amenities begin to reopen.
- 7.6.2 It should be recognised that council enforcement powers to enforce against people not adhering to social distancing are limited. Therefore, there will be a strong emphasis on influencing behaviour, utilising social media and engagement with the local press to ensure the message is clear and consistent. Social distancing measures and guidance will change resulting in more complexity/ambiguity for regulatory functions going forward.
- 7.6.3 In each of our three town centres, there have been physical changes and barriers erected to promote social distancing and these have been widely welcomed across our social media platforms. Going forward, we will continue to monitor and review the measures and take further action if necessary.

7.7 Grant Funding

- 7.7.1 The council was given money by the government to support local businesses by way of grant payments. To date, we have processed 3,217 business grants totalling £37.33m, over 95% of our expected total. On 1st June, our discretionary grants went live and up to 19th June 2020, we had received 114 applications and had paid 71 grants, totalling £480,500. This funding has been essential to help tide businesses over during these difficult times whilst they have been unable to trade, together with the governments furlough scheme which has moved the burden of paying and retaining staff to central government. Presently, it is expected furlough will continue through to October 2020, so the full scale of job losses as a result of COVID-19 may not be known until then.

Key Recovery Actions

- Future High Street and Towns Fund and any additional grant funding – greater emphasis on recovery (stimulation)
- Creating opportunities for the hospitality sector operate under the new normal
- Harness the positives from lockdown, such as increased walking and cycling
- Sustain confidence in the residential and commercial development market by encouraging pre-planning discussions, progress planning applications to decision and drive our growth objectives
- Assess the impact on the visitor economy including culture, leisure, hospitality, events and the night-time economy. Consideration of interventions to support the resilience of these elements

8. Health, Wellbeing and Homelessness (External Focus)

- 8.1 At the start of the COVID-19 crisis, in his briefing to local authority leaders, the Prime Minister made it clear that Government saw local authorities as being responsible for the delivery of local services. In line with this, each council established a 'Community Resilience

- Hub' to support shielded and vulnerable residents, providing food, collection of medicines and other practical help e.g. befriending.
- 8.2 Our 'AskLily' service was well placed to lead on this work, with the required volunteers, networks and links to voluntary organisations. This was augmented by staff provided by the borough council and Alive West Norfolk to coordinate and deliver this response.
 - 8.3 Norfolk County Council set up a helpline for people to call with COVID-19 related problems and we created an additional CIC to manage the calls passed to us. These were triaged and directed to the hub to be actioned by hub staff.
 - 8.4 Over 7,000 outbound telephone calls were made by our staff to residents who had been deemed clinically vulnerable by Norfolk County Council, the CCG, GP's and from our own data e.g. assisted bin collection customers and those with a careline.
 - 8.5 This area of work will continue but will require funding and resources, although the level of support will, over time, be reduced as we move out of crisis response. However, there is a need to maintain holistic support of vulnerable people and this could be achieved utilising volunteers.
 - 8.6 There will be a need to continue to work collaboratively with statutory partners and the 3rd sector and this cannot just be based on grant funding or our contractual obligations.
 - 8.7 In respect of homelessness, the council provided accommodation for all known rough sleepers initially in the night shelter then at South Lynn Community Centre. These were then moved to the Travelodge. The government have been clear that councils must ensure that the homeless are given continued, wrap-around support and supported to maintain more independent or hostel living.
 - 8.8 As well as clinically vulnerable people, the Community Hub also received referrals from people who had been affected financially by COVID-19 and were struggling to afford food. If, as we expect, there is an increase in unemployment following the end of the governments furlough scheme, we may see more working age people seeking support. Recent data provided by Public Health has indicated that levels of social deprivation and poverty can be a contributory factor to the higher number of deaths in west Norfolk from COVID-19 in comparison to neighbouring authorities. If unemployment does rise, it will be vital that we advocate the benefits of healthy living and seek ways to support residents have more active and healthy lifestyles, if on low incomes.

Supporting the Vulnerable – key actions

- Participate in a county-wide review of the Community Hub offer
- Review resources and budget requirements for a new model of service delivery as the vulnerable/shielded will require ongoing support
- Working with the social housing sector in providing accommodation and wrap-around services for the homeless
- Review of measures to support those on low incomes to follow healthy and active lifestyles
- Actively encourage citizens to revert to ore sustainable ways of obtaining food, prescriptions and support, guided by our Lily service
- Retain volunteers under the 'AskLily' framework

9. Monitoring – Key Data and Indicators

- 9.1 In order to measure successful recovery, it is critical to use appropriate and meaningful data across a range of indicators.
- 9.2 With the review of the corporate business plan, we need to review the performance indicators for 2020/21 and remove those no longer relevant, or switch them to ‘monitor only’ as it would not be appropriate to compare like for like on last year.
- 9.3 In line with this, we will develop a dashboard of measures to identify the impacts of COVID-19 on the economy, people, finance and communities.

10. Sources to Measure Impact

10.1 Impact of hardship on residents

- Local claimant count
- Levels of unemployment
- Universal credit applications,
- Levels of debt to the council (council tax, business rates)
- Food bank referrals
- Volume of requests to the community hub

10.2 Impact on businesses

- Business occupancy data
- Business closures
- BID footfall data
- Vacancies/arrears in our commercial premises
- Grant applications
- Business support requests to New Anglia Growth Hub

10.3 Revenue

- Car parking income
- Income from fees and charges
- Alive West Norfolk income
- Commercial rents
- Licensing and Planning applications

- 10.4 These are just a few examples of the data we will be collecting to monitor our income as we move through recovery.

11. Environment

- 11.1 The council’s Climate Change Policy will be presented to Cabinet in August 2020. This will also feature in the more detailed action plan for recovery to ensure that climate change and the green agenda are encapsulated within our recovery strategy.

12. ICT and Digital (Internal)

- 12.1 Another area which will be developed in the detailed action plan is an ICT Strategy to examine how technology can enable organisational and service transformation, unlocking efficiency savings and providing a better experience for service users. This is also required to enable staff to work flexibly to support social distancing in our buildings, whilst maintaining efficiency in service delivery.

13. Communications

- 13.1 The Recovery Strategy will be underpinned by a comprehensive communications plan, linking to the SCG in delivering consistent messages to the public, stakeholders and our partners. This will include actions to help encourage visits, shopping, events, confidence for residents, tourists, businesses, investors in addition to public information about social distancing guidance, good hygiene and local outbreak control.

14. Next Steps

- 14.1 Following on from the joint panel meeting and Cabinet on 30th June, a detailed action plan, with key indicators and measures will be presented to panels and Cabinet during July/August. By that time, the financial position will be clearer in respect of the government providing further financial support to council's dealing with COVID-19.

REPORT TO CABINET

Open/Exempt		Would any decisions proposed :			
Any especially affected Wards	Mandatory/	Be entirely within Cabinet's powers to decide		YES/NO	
	Discretionary/	Need to be recommendations to Council		YES/ NO	
	Operational	Is it a Key Decision		YES/NO	
Lead Member: Brian Long E-mail: <i>cllr.brian.long@west-norfolk.gov.uk</i>			Other Cabinet Members consulted: n/a		
			Other Members consulted: n/a		
Lead Officer: Alexa Baker E-mail: <i>alexa.baker@west-norfolk.gov.uk</i> Direct Dial:			Other Officers consulted: n/a		
Financial Implications YES/NO	Policy/ Personnel Implications YES/NO	Statutory Implications YES/NO	Equal Impact Assessment YES/NO If YES: Pre-screening/ Full Assessment	Risk Management Implications YES/NO	Environmental Considerations YES/NO

Date of meeting: 30 June 2020

AMENDMENTS TO STANDING ORDERS RELATING TO REMOTE MEETINGS

<p>Summary</p> <p>This report presents draft amendments (attached as Appendix 1) to the Standing Orders within the Borough Council's Constitution to reflect recent legislation enabling local authority meetings to be conducted remotely. The draft amendments were presented to the Corporate Performance Panel on 3 June 2020 which resolved the amendments be submitted to Cabinet with three identified changes, which are incorporated into Appendix 1.</p> <p>Recommendation</p> <p>To consider the draft amendments to the Standing Orders attached as Appendix 1 and approve the changes to be recommended to Full Council.</p> <p>Reason for Decision</p> <p>To ensure that the Borough Council's Standing Orders reflect the most up-to-date legislation and capture the key requirements for how the Borough Council will conduct its remote meetings.</p>
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1 Background

1.1 The Covid-19 outbreak and Central Government's response in March 2020 had a significant impact on local authority meetings. The key piece of legislation surrounding local authority meetings, the Local Government Act 1972, meant that in order for a valid local authority meeting to take place, all those attending had to be present in the same location. This resulted in cancellation of all Borough Council meetings due to an inability to fulfil this legislative requirement.

- 1.2 On 4 April 2020 the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (the “2020 Regulations”) came into force. These 2020 Regulations contain provisions which enable local authorities to hold valid meetings remotely <http://www.legislation.gov.uk/uksi/2020/392/contents/made>

2 Options Considered

- 2.1 Do nothing. The 2020 Regulations apply to the Borough Council’s Constitution automatically (at the moment, until 6 May 2021). However this means that the Standing Orders will not reflect current legislation, which may lead to confusion and misdirection. The 2020 Regulations anticipate that local authorities may also wish to incorporate bespoke additional provisions over and above those set out in the 2020 Regulations to govern how they operate their remote meetings.
- 2.2 For the purposes of transparency, clarity and to include additional provisions relating to the conduct of remote meetings, this report is brought forward to recommend that the Borough Council’s Standing Orders be amended to reflect the 2020 Regulations and to capture the key requirements for how the Borough Council will conduct its remote meetings.

3 Policy Implications

None

4 Financial Implications

None

5 Personnel Implications

None

6 Environmental Considerations

None

7 Statutory Considerations

The relevant provisions of the 2020 Regulations have been incorporated into the draft amendments to the Standings Orders at Appendix 1.

8 Equality Impact Assessment (EIA)

(Pre screening report template attached)

9 Risk Management Implications

Amending the Standing Orders within the Borough Council's Constitution to reflect current legislation and set out the way the Borough Council will conduct its remote meetings will promote good governance of those meetings, thereby reducing the risk of challenge of decisions.

10 Declarations of Interest / Dispensations Granted

None

11 Background Papers

None

Pre-Screening Equality Impact Assessment

Borough Council of
King's Lynn & West Norfolk



Name of policy/service/function					
Is this a new or existing policy/service/function?	New / Existing (delete as appropriate)				
<p>Brief summary/description of the main aims of the policy/service/function being screened.</p> <p>Please state if this policy/service is rigidly constrained by statutory obligations</p>					
Question	Answer				
<p>1. Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups according to their different protected characteristic, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</p> <p>Please tick the relevant box for each group.</p> <p>NB. Equality neutral means no negative impact on any group.</p>		Positive	Negative	Neutral	Unsure
	Age				
	Disability				
	Gender				
	Gender Re-assignment				
	Marriage/civil partnership				
	Pregnancy & maternity				
	Race				
	Religion or belief				
	Sexual orientation				
	Other (eg low income)				

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

Part 4

STANDING ORDERS

**RULES OF PROCEDURE
FOR THE CONDUCT OF THE COUNCIL'S BUSINESS**

Adopted 25 November 2010
Panel amendments agreed 28 July 2011
Standards Amendments by Monitoring Officer Feb 2013
Amendments agreed 27 March 2014
Amendments 27 November 2014
Amendments June 2015
Amendment 24 Sept 2015
Amendment April 2016
Amendment 30 June 2016
Panel Amendment 25 Jan 2018

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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) (Access to Information) (England) Regulations 2000. Local Authorities (Executive Arrangements) (Meetings and Access to Informations) England Regs 2012.

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

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

“Chairman” means the Chairman of the Appropriate Committee or in his/her absence the Vicechairman.

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

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

“Chief Officer” means:

(a) For the purpose of Part 5 of the Standing Orders (Appointment and Discipline of Staff):

- (i) The Chief Executive
- (ii) The Head of Paid Service
- (iii) The Chief Finance Officer
- (iv) The Monitoring Officer
- (v) A statutory chief officer and a non statutory chief officer as mentioned in Section 2 of the 1989 Act.

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

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

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

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

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

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

“EU” means European Union.

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

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

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

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

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

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

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

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

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

“Meeting” means a meeting of the Council, Cabinet, Committee, Sub-Committee Board as the case may be and includes a Remote Meeting, i.e. a reference to a Meeting also includes a reference to a Remote Meeting, where the definition for a Remote Meeting is met

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

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

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

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

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

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

“Petition” means a formal request to the Council signed by not less than 250 persons relating to a matter within the jurisdiction or sphere of influence of the Council.

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

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

“Remote Meeting” means a Meeting where one or more of the attendees is attending by remote means in accordance with these Standing Orders, including but not exclusively by way of accessing the Meeting through an electronic, digital or virtual location or platform such as an internet location, web address, web based platform or conference call telephone numbers. “Remote attendance” and “remote means” shall be construed in the same way.

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

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

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

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

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

“The 2020 Regulations” means the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020

“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 the purposes of these Standing Orders:

4.1 A Meeting is not limited to a meeting of persons all of whom, or any of whom, are present in the same place.

4.2 The place of a Meeting held, or to be held, can include more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers.

4.3 A Meeting is open to the public where public access to the Meeting is possible through remote means including (but not limited to) video conferencing, live webcast, and live streaming.

5. 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:

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

5.2 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 the Council (Cabinet, Committees, Sub Committees, Panels, Boards, delegated decisions of Cabinet)

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

1.3 Where any of these Standing Orders provides for, or requires, the giving of notice in writing to any person, such notice may be given by e-mail or by facsimile.

2 Suspension of Standing Orders

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

2.2 Subject to paragraph 2.3 of this Standing Order, and to the extent permitted by any Act of Parliament, Standing Orders other than this one may be suspended.

2.3 Standing Orders shall only be suspended in exceptional circumstances if a motion to suspend is moved and supported by a majority of the members who are present at any meeting of the Council or a meeting at which the motion is moved.

2.4 If any motion to suspend any Standing Orders is passed then, unless Council expressly determines otherwise, those Standing Orders shall remain suspended only until the completion of the item of business that immediately follows the motion to suspend.

2.5 The proposer and seconder of any motion to suspend any Standing Orders shall be minuted and the Standards Committee may require them to explain their reasons.

3 Amendment to Standing Orders

3.1 Standing Orders may be amended only by a meeting of the Council and to the extent permitted by any Act of Parliament.

3.2 Every Member of the Council shall be provided with a printed copy of these Standing Orders when members first declare acceptance of office or whenever they are amended.

4 Meetings of the Council

Extracts from the Statute

A principal council 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 as amended by the 2020 Regulations)

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)

In respect of a reference in any enactment to a meeting of a local authority, that authority may, as they may determine—

(a) *hold such meetings and at such hour and on such days; and*

(b) *alter the frequency, move or cancel such meetings,*

without requirement for further notice. (The 2020 Regulations, reg 4)

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

4.1 Meetings of the full Council (“the Council”) shall be conducted in accordance with these Standing Orders except to the extent that they are suspended under the procedure that is set out by Standing Order 2.

4.2 An Annual Meeting of the Council may be held in each year commencing from 1 April on a date to be decided by the Council. The Annual Meeting may only be held where (i) called by the Mayor or (ii) following a resolution calling for an Annual Meeting being passed at an ordinary or extraordinary meeting of the Council.

4.3 An Annual Meeting shall transact the following business only:

(a) The election of the Mayor and the Deputy Mayor, who shall be respectively Chairman and Vice Chairman of the Council.

(b) Conveying the Council’s appreciation of the work carried out by the retiring Mayor and Deputy Mayor and their consorts.

(c) Appointing Members to Council Bodies (other than the Cabinet).

(d) Appointing the Chairman of the Cabinet (who shall be Leader of the Council) for a four year period following the elections and the Chairmen and Vice Chairmen of other Council Bodies unless they appoint their own Chairmen and Vice-Chairmen.

(e) Considering such other urgent business as the Chief Executive has to report.

4.4 The Council will also hold Ordinary Meetings to carry out its general business on such dates as the Council shall fix.

4.5 Extraordinary Meetings of the Council may also be called at any time by the Mayor (or deputy mayor in his/her absence) and shall be held, within two weeks, whenever the Chief Executive receives requests for one to be held from five or more Members of the Council.

4.6 Meetings of the Council shall be held at such place as it provides notice of. A reference to the place of a Meeting may include more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers. The place of a Meeting may be comprehensively notified as “Remote Meeting on [specified technological platform]”. Notice of the time and place of each Meeting shall be published on the Council’s website.

4.6A If an election or emergency occurs the Chief Executive may, after consulting with such of the Mayor, the Leader of the Council and Leaders of the Political Groups as can conveniently be contacted, vary any arrangement agreed by the Council under this Standing Order.

4.7 No extraordinary Meeting shall be called unless it is proposed to transact business at the Meeting that, in accordance with the relevant enactments and these Standing Orders, may be transacted at that meeting.

4.8 If the Chair is made aware during a Remote Meeting that the public cannot access the Remote Meeting through remote means, due to any technological or other failure of provision, then the Chair shall adjourn the meeting immediately, as the Remote Meeting can no longer be validly held. If the provision of public access through remote means cannot be restored within a reasonable period, then the remaining business will be considered at a time and date fixed by the Chair. If a date is not fixed, the remaining business will be considered at the next ordinary meeting.

4.9 If the Democratic Services Manager is made aware before a Remote Meeting that the public will not be able to access the Remote Meeting through remote means, the Democratic Services Manager may delay the commencement of the Remote Meeting. If the provision of public access through remote means cannot be restored within a reasonable period, then the Remote Meeting will be cancelled and the items of business of the cancelled Remote Meeting shall be considered at a newly convened Meeting or will be considered at the next ordinary Meeting as applicable.

4.10 If a Member is deemed to have left a Remote Meeting pursuant to paragraph 6.5 of these Standing Orders and later rejoins the Remote Meeting, the Chair shall determine whether that Member is precluded from contributing to the debate or voting on any item of business during which they were not in remote attendance pursuant to paragraph 6.5 of these Standing Orders. The Chair shall take into account (not exclusively or explicitly) the nature of the meeting, the length of absence, the nature of the evidence or debate missed and the presence or not of a written report.

4.11 If the Chair determines, a Remote Meeting may be adjourned for no more than 10 minutes to allow an attendee of the Remote Meeting to leave the Remote Meeting and immediately rejoin, where it is identified that there is a poor quality connection that is adversely affecting the conduct of the Remote Meeting.

5 The chairing of meetings

Extracts from Statutes

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

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

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

(b) in the case of a principal council outside Greater London, both the chairman and vicechairman of the council are absent from a meeting of the council;....

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

5.1 If the Mayor is absent from a meeting of the Council, the Deputy Mayor shall chair the meeting.

5.2 If it is necessary to choose a Member of the Council to preside in the absence of the Mayor and Deputy Mayor, the Chief Executive shall call for a motion that a Member of the Council, who is not a member of the Cabinet, to be named shall take the Chair.

5.3 Any power or duty of the Mayor in relation to the conduct of the meeting may be exercised by the person presiding at the meeting.

5.4 If either or both of the Chairman and Vice Chairman of a Meeting or a Task Group are absent from a meeting of such a Body, the members of that Body who are present at the meeting shall elect a member to act as Chairman and/or a Vice Chairman for that meeting before any other business is transacted.

5.5 The Chairman and Vice Chairman of a Task Group may be appointed by the meeting which established it, in default of which they will be appointed at the first meeting of the Task Group by its members.

6 Quorum

Extracts from the Statute

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

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

6.1 If, during any Meeting of the Council or a Task Group, the Chairman, after causing the Number of Members present to be counted, declares that there is not a quorum present (1/4 of the number of members of the meeting) and/or not less than 3 members in any event, the Meeting shall stand adjourned for fifteen minutes.

6.2 If, after fifteen minutes, the Chairman after again causing the Number of Members Present to be counted, declares that there is still no quorum and/or not less than 3 members present, the Meeting shall end.

6.3 Notwithstanding any provision in these standing orders that notices of questions or motions shall lapse, the consideration of all business which is on the agenda of a Meeting brought to an end under the previous paragraph, and which has not been completed before the Meeting is brought to an end, shall be postponed to the next meeting of the Council, whether ordinary or extraordinary, insofar as allowed by law.

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

6.4.1 to hear, and where practicable see, and be so heard and, where practicable, be seen by, the other Members in attendance;

6.4.2 to hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public entitled to attend the meeting in order to exercise a right to speak at the Meeting; and

6.4.3 to be so heard and, where practicable, be seen by any other members of the public attending the Meeting.

6.5 A Member in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance contained in (a) above are not met, in which case:

6.5.1 If the Chair declares there is no longer quorum present the Meeting shall be adjourned for a short period to permit the conditions for remote attendance of a Member contained in 6.4 above to be re-established; or

6.5.2 If quorum is not affected, the remaining business of the Meeting shall continue to be transacted unless the Chair determines that the Meeting shall be adjourned for a short period to permit the conditions for remote attendance of a Member contained in 6.4 above to be re-established.

7 Business which may be transacted at any meeting

7.1 Except as provided by paragraph 7.2 of this Standing Order, notice of the business to be transacted at a meeting shall be given to all Members of the Council at least five days before the date of the meeting (not including the day on which the notice is sent to each Member and the day of the meeting).

7.2 Items of business may be considered at a meeting notwithstanding that five clear days' notice of that business has not been given if, in the opinion of the Chairman of the meeting, special circumstances exist which require that the item should be considered as a matter of urgency and the meeting, without debate, consents.

7.3 Whenever business is transacted in accordance with Standing Order 7.2, the Chairman of the Meeting shall be required to specify the special circumstances that require the item to be considered as a matter of urgency, and those matters shall be recorded in full in the minutes of the meeting.

8 Order of Council business

Extract from the Statutes

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

(a) notice of the time and place of the intended meeting shall be published at the Council's offices, and where the meeting is called by Members of the Council the notice shall be signed by those members and shall specify the business to be transacted thereat.

(b) a summons to attend the meeting, specifying the business proposed to be transacted thereat, and signed by the proper officer of the council, shall.....be left at or sent by post to the usual place of resident of every member of the council.

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

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

(a) a copy of the agenda including the item (or a copy of the item) is open to inspection by members of the public....for at least five clear days before the meeting or, where the meeting is convened at shorter notice, from the time the meeting is convened; or

(b) by the reason of special circumstances, which shall be specified in the minutes, the chairman of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

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

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

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

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

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

8.1 The first item of business shall be to consider whether to approve as a correct record, and sign, the minutes of the preceding meeting(s) of the Council.

8.2 Unless any resolution is passed to vary it, the remaining business shall be dealt with in the following order:-

- (a) Declarations of interest
- (b) Any formal communications written or received by the Mayor.
- (c) Any business expressly required by statute to be done.
- (d) Urgent matters as defined by Standing Order 7.
- (e) Any business that remains from the previous meeting.
- (f) Questions and petitions submitted by members of the public under Standing Order 9.
- (g) Questions from Members of the Council under Standing Order 11.
- (h) Business referred to the Council under the “call-in” procedures of Standing Order 12.
- (i) Reports and recommendations from Council Bodies.
- (j) Any other matters considered by the Chief Executive in consultation with the Mayor needing immediate consideration.
- (k) Notices of motion made in accordance with Standing Order 14.

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

9.1 Remote Attendance by Members of the Public

9.1.1 A member of the public entitled to attend a Meeting in order to exercise a right to speak at the meeting is in remote attendance at any time if all three of the following conditions are satisfied, those conditions being that the member of the public in remote attendance is able at that time:

9.1.1.1 to hear, and where practicable see, and be so heard and, where practicable, be seen by, Members in attendance;

9.1.1.2 to hear, and where practicable see, and be so heard and, where practicable, be seen by, any other members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting; and

9.1.1.3 to be so heard and, where practicable, be seen by any other members of the public attending the meeting.

9.1.2 A member of the public in remote attendance will be deemed to have left a Meeting where, at any point in time during the meeting, any of the conditions for remote attendance contained in 9.1.1 above are not met. In such circumstance the Chair may, as they deem appropriate:

9.1.2.1 adjourn the meeting for a short period to permit the conditions for remote attendance contained in 9.1.1 above to be re-established;

9.1.2.2 suspend consideration of the item of business in relation to the member of public's attendance until such time as a following item(s) of business on the agenda have been transacted and the conditions for the member of the public's remote attendance have been re-established or, on confirmation that this cannot be done, before the end of the meeting, whichever is the earliest; or

9.1.2.3 continue to transact the remaining business of the meeting in the absence of the member of the public in remote attendance.

9.2 Public question time

9.1.1 At each meeting of the Council, a period not exceeding thirty minutes shall be allowed for persons not being members of the council having an interest in the Borough to ask questions about:-

(a) the Council's policies; or

(b) the work of the Council in respect of any matter or issue affecting the Borough.

9.1.2 The Chief Executive shall not allow any questions that, in his opinion:-

(a) relate solely to the questioner or their family;

(b) contain any defamatory, confidential or exempt material or would require a response that might be defamatory or require the disclosure of confidential or exempt material;

(c) relate to specific applications for planning permission or for licences; or

(d) relate to individual Members or Officers of the Council or an individual member of the public.

9.1.3 Electors who wish to ask questions under this standing order must submit them in writing to the Chief Executive before 5pm of the third day before the day of the meeting at which they are to be put or presented.

9.1.4 The receipt of questions under this Standing Order shall be recorded in a register in the order in

which they are received and they will be presented to the Council in that order. The register shall be open to inspection by members of the public.

9.1.5 The Chief Executive shall write to each person whose question is entered into the register kept in accordance with paragraph 9.1.4 and confirm:-

- (a) whether their question may be asked;
- (b) the date, time and place of the meeting at which the question may be asked;
- (c) the procedure for asking their question and receiving an answer; and
- (d) their position in a list of the persons whose questions have been accepted.

9.1.6 The questions that may be asked under this Standing Order shall not appear on the agenda of the meeting at which they are to be asked, but will be notified separately to each Member of the Council, the press and members of the public who attend that meeting.

9.1.7 The person who submits a question under this Standing Order shall normally ask it. However, the Mayor may allow that person to be accompanied by a friend and allow the friend to ask the question.

9.1.8 A question that is asked under this Standing Order shall be addressed to the Mayor and shall be answered by any Member or Officer of the Council nominated by them. An answer may take the form of:-

- (a) a direct oral response; or,
- (b) in exceptional cases, where an oral reply cannot be given conveniently, by a written answer, which shall be given to the questioner within 7 days of the date of the meeting or such longer period as the Mayor may allow. In every case where an oral response is not given, the Mayor will state that an oral response would be inconvenient and the reasons for this, which will be minuted.

9.1.9 Every questioner may ask a supplementary question once their first question has been answered but no exchange (including the time taken to ask and answer a supplementary question) shall be permitted to exceed a total of 5 minutes.

9.1.10 Any question that is accepted under paragraph 9.1.5 of this Standing Order, but cannot be asked at the meeting because of lack of time, shall be answered in writing by a Member or Officer of the Council within 7 days of the meeting. The person responsible for answering the question shall be announced by the Mayor at the end of each Public Question Time.

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

9.2 Petitions

9.2.1 The Council will accept paper petitions either sent or presented to us. The Council will also accept online petitions, using our petition tool on our website. The Council can accept petitions which are emailed to us, or created using other petition software, but only if the names, addresses and the email addresses of the people who have signed the petition are attached.

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

9.2.3 The Council will not deal with petitions that:

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

9.2.4 The Council reserves the right not to take action on:

- (a) Party political material.
- (b) Information which may be protected by an injunction or court order.
- (c) Material which is potentially confidential, commercially sensitive, or which may cause personal distress or loss.
- (d) Any commercial endorsement, promotion of any product, service or publication.
- (e) The names of individual officials of public bodies, unless they are part of the senior management of those organisations.
- (f) The names of family members of elected representatives.
- (g) The names of individuals, or information where they may be identified, in relation to criminal accusations.
- (h) Language which is intemperate, provocative, racist, sexist, homophobic etc.
- (i) Petitions that are similar to and/or overlap with an existing petition or petitions.
- (j) Has previously been dealt with as a petition within the last 12 months.
- (k) Statements that don't actually request any action.
- (l) Working that is impossible to understand.
- (m) Statements that amount to advertisements.
- (n) Petitions which are solely intended to be humorous.

(o) Issues for which a petition is not the appropriate channel (eg correspondence about a personal issue).

(p) Freedom of Information or Environment Information requests.

(q) During politically sensitive periods, such as just before an election, if it is considered that a petition contains politically controversial material, the Council may decide not to accept a petition, or defer its consideration until after the election. If this is the case, the Council will explain the reasons and the revised timescale which will apply.

9.2.5 Where the number of signatures exceeds 2,500, a petitioner may request that a relevant Executive Director attends a meeting of an Overview and Scrutiny Panel to give evidence and answer questions. Panel members will ask the questions at the meeting, but the petitioner will be able to suggest questions to the Chairman of the Panel by contacting the relevant Democratic Services Officer at least 2 working days before the meeting.

9.2.6 If a petition is presented to the Council containing the signatures of 5,000 or more persons, it will trigger a debate by full Council. This will usually take place at the next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting.

9.2.7 If the petition organiser at 9.2.6 above wants to present their petition to a meeting of the Council, or would like their Councillor or someone else to present it on their behalf, they should contact the Democratic Services Office at least 10 working days before the meeting to arrange this.

9.2.8 When the petition is presented to the Council, the elector who submitted it (or their nominee) shall be entitled to speak in support of the petition, for up to 5 minutes. The petition will then be discussed by Councillors for a maximum of 15 minutes. A decision will be made on how to respond to the petition at this meeting. This could be:

(a) To take the action the petition requests.

(b) Not to take the action requested for reasons put forward in the debate.

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

(d) Where the issue is one on which the Cabinet is required to make the final decision, the Council will decide whether to make recommendations to inform that decision.

9.2.9 The petition organiser will receive written confirmation of this decision. This confirmation will also be published on the Council's website.

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

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

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

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

11.1 Every Member of the Cabinet shall present a report to each Ordinary Meeting of the Council on

matters of interest for which they have responsibility that have arisen since the last Ordinary Meeting of the Council.

11.2 A Member of the Council may then, without first giving notice, ask:-

(a) any Member of the Cabinet questions about:

i) each separate item in the minutes of meetings of the Cabinet being presented to the meeting in question; and

ii) any other matter within their remit.

(b) and thereafter the Chairman of any Committee, Sub-Committee, Board, Panel but not Task Group (other than the Cabinet) questions about work of their Committee/Panel.

11.3 The Mayor may disallow, re-direct or postpone any question asked under this Standing Order.

11.4 A Member who is asked a question under this Standing Order may decline to answer it, make a written answer (which shall be provided to every Member within 7 days of the meeting) or may refer the question to another appropriate Member.

11.5 Every question arising under Standing Order 11 shall be asked and answered without debate but any Member who receives an oral answer may ask a supplementary question of the Member who answered provided, in the opinion of the Mayor, it does not introduce a new matter.

12 The calling-in of Cabinet recommendations and executive decisions

12.1 Any Cabinet decision, delegated Cabinet Member's decision or Cabinet recommendation to the Council, 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, he/she 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 not been considered in reaching the decision or has a relevant, material matter been overlooked in reaching the decision?
- (d) Have the views of Members requesting the call-in been fairly taken into account in arriving at the decision, so making a call-in unnecessary?
- (e) Is the decision likely to cause distress, harm or significant concern to a local community or to prejudice individuals within it?
- (f) Is the matter one which has already been subject to consultation or debate with relevant interested parties so making further debate through Scrutiny unnecessary?
- (g) Is the advice contrary to the advice of the relevant professional institution?
- (h) Is there clear evidence of a breach of procedure?

12.5 If the Chief Executive (or Monitoring Officer) subsequently determines not to advance the call-in, he/she will promptly inform the proposer and supporters of the call-in of his/her decision and the reasons for it.

12.6 If it is determined that the call-in is sufficiently valid (in accordance with paragraph 12.4 above) then the Chief Executive (or Monitoring Officer) will direct the Scrutiny Officer to promptly e-mail a summary of the call-in to the Chairman of the Corporate Performance Panel.

12.7 Once formal notification of a valid call-in has been received, the Chairman 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 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 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 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 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 for further consideration.

12.15 Urgent Decisions

If the Cabinet is proposing to take a Key Decision as an Urgent Decision – and therefore not subject to call in – No such recommendation or decision shall be called-in if the Leader of the Council, after first obtaining notice in writing that the recommendation or decision proposed must be acted on urgently; and that failure to do so would substantially prejudice the interests of the residents of the Borough or the Borough itself; obtains agreement from the Chairman of the Corporate Performance Panel, or in his absence the Vice Chairman 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 Chairman or decision maker.

(S 15 & 16(Access to Information) (England) Regulations 2000.

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

Executive on the advice of the Monitoring Officer, the matter has substantially changed since it was first decided.

For Exceptions see Standing Order 30.5.

13 Motions and amendments that may be moved without notice

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

- (a) the appointment of a temporary Chairman of a meeting which has none present.
- (b) the accuracy of a minute.
- (c) the order of item(s) of business.
- (d) the referral of any matter to another meeting for consideration and/or determination..
- (e) the appointment of members that arises from any item of business at a meeting.
- (f) a recommendation to Council.
- (g) permission to withdraw a motion or amendment.
- (h) permission to extend the length of a speech.
- (i) the amendment of a motion.
- (j) any procedural motion under Standing Order 15.
- (k) a motion to suspend any Standing Orders under Standing Order 2.
- (l) a motion to exclude the press and public under section 100A and Schedule 12A of the Local Government Act 1972.
- (m) a motion proposing that a Member, whom it names for disorderly conduct under Standing Order 25, be not further heard or do leave the meeting.
- (n) a motion that authorises the exercise of any statutory duty or power which in the opinion of the Council ought to be exercised as a matter of urgency.
- (o) a motion to obtain any consent of the Council that may be required under these Standing Orders.

14 Notices of motions which may not be moved without notice

14.1 A Member may propose a motion for debate by Council provided it is relevant to some matter in relation to which this Council has powers or duties or which affects the Borough.

14.2 A Member who wishes to move a motion which may only be moved with notice shall give notice in writing to the Chief Executive. The notice shall:-

(a) state the motion that the Member desires to move in such a way that it is clear what the member is proposing.

(b) be delivered to the Chief Executive at least seven clear days before the date of the meeting of the Council at which it is proposed to debate the motion.

(c) state the date of the meeting at which Council is to be invited to debate the motion if it is not the next ordinary meeting for which it is eligible.

14.3 Upon the receipt of such a notice, it shall be stamped with the date and time of its receipt and, provided the Chief Executive is satisfied that it complies with paragraphs 14.1 and 14.2, the full text of the motion shall be entered in a register of motions, which shall be open to inspection by any Member of the Council.

14.4 Motions shall be entered in the register specified in paragraph 14.3 in the order in which they are received by the Chief Executive.

14.5 The Chief Executive shall advise a Member, who sent in a notice that does not comply with this Standing Order, in what way it fails to do so.

14.6 After a formal seconding, and before the debate of any motion notified under this Standing Order, the Council shall decide whether it will be debated immediately or by Council at a later date and, if the meeting decides the motion will not be debated then, which Council Body it shall be referred to for consideration and/or determination.

14.7 A Member, shall be permitted to speak in support of the motion at the meeting of the Council Body at which it is debated, but shall not vote on the matter unless they are a member of that Meeting.

14.8 If a Motion is referred, under Standing Order 14.6 to a Council body, and if that body is empowered by the constitution to make a decision, it will in any event return the motion to Council for further consideration, should Council so decide at the time of referral

SEE APPENDIX 1

15 Rules of debate

A - Moving and disposing of motions and amendments

15.1 In these Standing Orders "the substantive motion" means any motion under debate that appears on the agenda or arises from it.

15.2 The debate of a motion shall begin by the substantive motion being proposed and seconded and no motion shall be debated unless and until it has been proposed and seconded.

15.3 However, when a report contains more than one recommendation, members of the reporting body shall move and second the adoption of all of them. The Member proposing the adoption of the

report may assign any of their rights of reply to other members of that Body nominated by them. Otherwise it will be debated normally.

15.4 Any Member who desires to propose an amendment to a substantive motion which has been seconded shall then propose their amendment, but no amendment to a motion shall be debated further until it has been proposed and seconded.

15.5 An amendment to a substantive motion, including one that has been amended, shall not introduce a new issue and shall be limited to omitting words from, adding words to, or substituting words in the substantive motion; and it shall not have the effect of negating the substantive motion.

15.6 If an amendment under paragraph 15.5 of this Standing Order is seconded, the amendment shall be debated until no other Member wishes to speak or a procedural motion curtailing debate is passed. No amendment shall be moved to an amendment.

15.7 If an amendment is passed the motion (as amended) shall become the substantive motion.

15.8 The Person Presiding shall not permit a further amendment to be moved or debated until a preceding amendment has been dealt with.

15.9 After all amendments have been dealt with, the substantive motion (incorporating any amendments which have been passed) shall be debated until no other Member wishes to speak or a procedural motion curtailing debate is passed.

15.10 A motion or amendment may be withdrawn by the mover with the consent of their seconder and of the Council (which shall be given without debate) and no member may speak upon it after the mover has asked permission for its withdrawal, unless such permission has been refused.

B-The conduct of Members during debate

15.11 If two or more members wish to speak at once, the Mayor shall call on one to speak.

15.12 Members shall speak only once about the motion or the amendment which is then under debate with the exception of the Planning Committee where a Member seeks to raise a new point

15.13 No speech shall exceed five minutes except with the consent of the Council.

15.14 A Member who moves a motion may make the following speeches:-

- (a) to open the debate on the substantive motion; and,
- (b) to exercise a right of reply at the close of the debate on the substantive motion; and,
- (c) to exercise a right of reply at the close of any debate on any amendment to the substantive motion.

15.15 A person other than the mover of a motion may make the following speeches:-

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

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

15.16 A Member who moves an amendment (including any amendment which becomes part of a substantive motion) has no right of reply at the end of the debate on that amendment (or at the end of the debate on the substantive motion).

15.17 The Mayor shall call the attention of the Council to continued irrelevance, tedious repetition, or where a question is being asked, failure to put the question expediently and may rule such matters to be disorderly conduct.

C- Special procedural motions for ending a debate or meeting

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

(a) a motion “that the question now be put”, which, if passed, will curtail the debate and cause a vote to be held on the motion or amendment under consideration;

(b) a motion “that the Council proceed to next business”, which, if passed, will cause the meeting to proceed to the next item of business without completing the item under debate;

(c) a motion to “adjourn the debate”, which, if passed, postpones further debate on the motion under consideration to a later date as the Mayor or Chairman shall direct.

(d) a motion “that the meeting be adjourned”, which, if passed, will result in the meeting being adjourned and any matter that is being debated, but has not been voted on when this motion is passed, being considered at a later date as the Mayor or Chairman shall direct.

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

(a) shall be voted on without debate.

(b) may be disallowed by the Chairman if they consider the motion to have been moved prematurely so that, if passed, it would operate to curtail proper debate.

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

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

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

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

D- Disorderly conduct by Members of the Council

15.24 A Member who persistently disregards the ruling of the Chairman of any Meeting, or who behaves irregularly, improperly, or offensively, or who willfully obstructs the business of any such Meeting, shall be guilty of disorderly conduct.

15.25 If a motion under paragraph 13.1(m) of these Standing Orders is put and passed in a meeting, any Member who is so named shall not be heard further in any debate during the remainder of that meeting.

15.26 If a Member does not comply with a motion that is passed under paragraph 15.25 of this Standing Order, the Chairman of the meeting shall:-

(a) if the motion was for the Member not to be further heard, move “that the Member do leave the meeting” and that motion shall be put and determined without being seconded and without debate; or,

(b) ask the member to leave the meeting room for the remainder of the meeting, or

(c) adjourn the meeting for such period as they think fit.

15.27 If a Member does not comply with any motion that is passed under paragraph 15.26(a) or (b) of this Standing Order, or continues to disrupt a meeting that reconvenes after a motion under paragraph 15.26(c) has been passed, the Chairman may order such action as is necessary to be taken to secure the removal of that Member from the meeting and prevent their re-entry.

15.28 The Chairman of the meeting shall report to the Standards Committee any motion that is passed under paragraphs 13.1(m) or 15.26 and any action occurring under paragraph 15.27 of these Standing Orders.

E- Disorderly conduct in meetings by members of the public

15.29 No Member of the public shall interrupt proceedings, behave in a disorderly manner or breach the Protocol relating to the Openness Regulations during a meeting.

15.30 Any member of the public who interrupts a meeting behaves in a disorderly manner or breaches the Protocol relating to the Openness Regulations shall be warned by the Chairman of the meeting to stop that behaviour and, if they do not, the Chairman may, without any motion being put or seconded or debated:-

(a) Adjourn the meeting for as long as they consider necessary; and/or,

(b) Order such action as is necessary to be taken to remove the offending person from the meeting and prevent their re-entry.

F- General disturbance of any meeting

15.31 The Chairman of any meeting may adjourn that meeting, for as long as they consider necessary, without any motion being put or seconded and without debate if, in their opinion, the behaviour of persons who are present (whether Members of the Council or not) makes it impossible to carry on business in an orderly manner.

15.32 Where the Chairman of any meeting invokes this Standing Order because of the conduct of any Member of the Council, they shall report the matter to the Standards Committee.

G - Call-in debating procedure

15.33 On receiving valid notice of a call-in under Standing Order 12, the Corporate Performance Panel should follow the steps outlined below (a-f) in debating the subject matter:

- (a) The Proposer of the call-in and his/her supporters address the 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 Chairman, 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.

16 The minuting of meetings

Extracts from the Statutes

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

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

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

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

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

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

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

16.1 In accordance with paragraph 8.2 of these Standing Orders, the Mayor or the Chairman of any meeting shall put the question, “do Members agree that the minutes of the previous meeting be approved as a correct record”

16.2 There shall be no discussion about the minutes, except on a motion under paragraph 13.1(b) of these Standing Orders, which shall be confined solely to the question of whether the minute has been recorded accurately.

16.3 In the absence of any motion under Standing Order 13.1(b), or as soon as any such motion has been decided, the Mayor or the Chairman of any Meeting shall sign the minutes as a true record of the business transacted at the previous meeting.

16.4 The minutes of an Extraordinary Meeting of the Council shall be approved and signed at the next Ordinary Meeting of the Council.

16.5 The minutes of all meetings shall be made available to every Member of the Council, and the signed copies of all such minutes shall be bound together in a book and retained by the Chief Executive as a public record.

17 Voting

Extracts from the statutes

Subject to the provisions of any 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 Chairman may give a casting vote irrespective of whether or not they voted in the first instance,

17.2 Except as provided by paragraph 17.3 and 17.3A of this Standing Order any vote shall be determined by a show of hands.

17.3 With the support of at least 3 other Members, and by indicating to the Chairman of a meeting immediately before a vote on any matter is taken, a Member of the Council may require that the vote be recorded to show whether each Member present voted for or against the motion or abstained from voting - provided that when, in the opinion of the Chairman of that meeting, a recorded vote under this Standing Order is demanded frivolously or vexatiously, the Chairman may put the question of whether the vote should be recorded to the meeting without it being seconded or debated; and this Standing Order may not be invoked on such a vote.

17.3A At a Remote Meeting, and unless a recorded vote is required pursuant to 17.3 above, the Chair will take the vote:

17.3A.1 by use of electronic voting system(s); or

17.3A.2 by the affirmation of the meeting if there is no dissent; or

17.3A.3 by roll-call and the number of votes for or against the motion or amendment or abstaining from voting will be recorded.

17.4 Council Tax and Budget Setting meeting

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

17.5 Immediately after a vote on any matter, a Member may require that the way in which they voted on that matter is recorded in the minutes of the meeting.

17.6 Where a vote is required on a motion to appoint or elect to a position and there are more candidates than positions, then for each position the clerk shall announce the name of the candidates and shall then invite each member present to indicate their chosen candidate. At the end of the process the Clerk shall announce the number of voters for each candidate and the one with the most votes shall be appointed.

18 Signing of the attendance book

Extracts from the statutes

*The names of members present at a meeting of a local authority shall be recorded.
(Local Government Act 1972, Sch 12, para 40)*

*(The foregoing provision) shall apply in relation to a committee of a local authority (including a joint committee) or a sub-committee of any such committee as [it applies] in relation to a local authority.
(Local Government Act 1972, Sch 12, para 44(1))*

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

19 Rescinding a preceding resolution

19.1 No motion to or which would have the effect to rescind or reverse a resolution of the Council shall be considered by the Council, within a period of six months from the date of that resolution, unless it is moved in accordance with Standing Order 14 and the notice of motion is supported in writing by at least twenty Members of the Council or one third of the members of the meeting who made the resolution.

19.2 The “resolutions” covered by paragraph 19.1 of this Standing Order include decisions in respect of any notice of motion, or any amendment of a notice of motion (whether or not such motion or amendment was passed), as well as any other decision taken in exercise of the Council’s functions.

19.3 Once a motion has been moved with the support required in 19.1, no further motion shall be introduced by that means, in respect of substantially the same subject matter, for a period of six months from the day when the motion was moved.

19.4 This Standing Order shall not apply to matters that are called in under Standing Order 12 Interest of Members and Officers in contracts and other matters

20 Interests of Members and Officers in contracts and other matters

Extracts from the Statutes

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

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

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

20.1 A Member of the Council who is present at 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

20.1A Where a Member is required to leave a Remote Meeting as a result of 20.1 above, the means of remote attendance is to be severed whilst any discussion or vote takes place in respect of the item or items of business on which the Member may not participate.

20.2 The Monitoring Officer shall maintain a Register of Member’s Disclosable Pecuniary Interests. This shall be open to inspection by any member of the public and published on the Council’s website.

20.3 The Monitoring Officer shall record in a book to be kept for the purpose particulars of any notice of interest given by an employee of the Council under section 117 of the 1972 Act or paragraph (1). The book shall, during ordinary office hours of the authority, be open for inspection by any member.

20.4 Where an officer submits a report to a meeting on a matter in which he/she has declared an interest under section 117 of the 1972 Act or Paragraph (1), he/she shall state that such

declaration has been, made and give brief details of it, in a separate paragraph at the commencement of the report.

20.5 Where any officer advises orally a meeting on a contract, grant, proposed contract or other matter and has declared an interest in the matter, whether under the requirements on section 117 of the 1972 Act, or of paragraph (1), he/she shall remind the meeting orally of that interest, and the reminder shall be recorded in the minutes of the meeting.

21 Canvassing of and recommendations by Members

21.1 Canvassing of Members of the Council, directly or indirectly, with regard to any appointment by the Council, shall disqualify the candidate concerned from that appointment; and it shall be the duty of any Member of the Council so canvassed to report that fact to the Chief Executive. The essence of this paragraph of this Standing Order shall be included in every advertisement inviting application for appointments and in every form of application.

21.2 A Member of the Council shall not solicit, for any person, any appointment to the Council's employment, but this shall not preclude a Member from giving a written testimonial of a candidate's ability, experience, or character for submission to the Council with an application for appointment.

22 Relatives of Members or Officers

22.1 An applicant for any appointment by the Council, who knows that they are related to any Member or senior Officer of the Council, shall inform the Chief Executive of such a relationship when making their application.

22.2 An applicant who fails to disclose such a relationship shall be disqualified from appointment and, if appointed, shall be liable to dismissal without notice. Every Member and senior Officer of the Council shall disclose any relationship, known to them to exist between them and any person they know is an applicant for an appointment by the Council, to the Chief Executive.

22.3 The essence of this Standing Order shall be included in every form of application.

22.4 For the purposes of this Standing Order, "senior Officer" means an Officer graded on Performance Grades SM1-4 and 5 and 6; and "relationship" means being their partner or their own or their partner's parents, grandparents, children, grandchildren, brothers, sisters, uncles or aunts, nephews or nieces.

23 Staff establishment and the filling of vacancies

23.1 All vacancies, unless they are to be filled by promotion or transfer from within the Council, or unless the Council determines otherwise, shall be publicly advertised and filled by open competition arising from that advertisement.

23.2 No step shall be taken to advertise or fill a vacancy for any post designated as that of a chief officer (as defined in the Local Authority (Standing Orders) Regulations 1993) until such time as the Cabinet has determined whether that post is necessary and the terms and conditions upon which it should be held.

23.3 When the Council proposes to appoint such a chief officer, and it is not proposed to appoint that person from a pool limited to officers who are employed by the Council, the Council shall:-

(a) cause to be prepared, for its approval, a statement specifying the duties attaching to that post and any qualification or qualities required of any person who desires to be appointed to it;

(b) cause arrangements to be made for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

(c) cause arrangements to be made for a copy of the statement mentioned in paragraph 23.3(a) of this Standing Order to be sent to any person who requests a copy of it.

23.4 When a post has been advertised in accordance with this Standing Order, the authority shall invite all qualified applicants for the post to attend for interview, or select a short list of such qualified applicants and invite all those included on the short list to attend for interview.

23.5 When no qualified person has applied to fill a vacancy in the opinion of the Executive Director in which a vacancy has been advertised (or, if a vacancy is for an Executive Director or more senior officer, in the opinion of the Appointments Board), the Council shall make further arrangements for the advertisement of the post in accordance with this Standing Order.

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

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

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

24 Disciplinary action against Statutory Appointees

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

25 Custody of the Seal

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

26 Sealing of documents

26.1 The Common Seal of the Council shall not be affixed to any document unless either [i] the sealing has been expressly authorised by a decision of the Council (Cabinet, 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

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

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

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

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

28.2 Subject to paragraph 30.3 of these Standing Orders, a Member of the Council may inspect any document that is within the possession, power or control of the Council provided it is reasonably necessary for the discharge of their duty; and they shall, if they so request, be provided with a copy of any document that they are entitled to inspect.

(a) Members shall be entitled to see all documents relied on by the Cabinet acting together or as 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 in his or her opinion relate to items during which, the meeting is not likely to be open to the public. Such reports will be marked "not for publication" together with the category of information likely to be disclosed.

29 Membership and constitution of Council bodies

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

- It shall appoint the Leader of the Council and Chairman of Cabinet for a four year period at the first Annual meeting following the Borough Council elections. The Leader of the Council will then appoint the Vice-Chairman and Cabinet on an annual basis.
- The Vice Chairmen 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

Policy Review and Development Panels:	Up to 12 members
Corporate Performance Panel	Politically proportional with Vice-Chairmen appointed by the Panel
Regeneration and Development Environment and Community Audit Committee	9 Members (Politically Proportionate)

Cabinet and Boards

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

Appointments Board	9 Members (Politically Proportional)
Planning Committee	18 Members (Politically Proportional)

Licensing and Appeals Committee	15 Members (Politically Proportional)
Licensing Committee	15 Members (Politically Proportional)
Standards Committee	7 Members (Politically Proportional) (plus up to 2 non-voting Parish reps and an Independent Person)

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

Task Groups

29.3 The Council, Cabinet and any Policy Review and Development Panel 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 A Task Group shall remain constituted until the body which established it, or the Council, resolves that it has completed its task.

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

- (a) meet in public,
- (b) hold public hearings,
- (c) have a Councillor membership other than five or not complying with proportionality,
- (d) have non-members of the Council as non-voting members,
- (e) commission research,
- (f) complete its work by a certain date, or
- (g) be able to define the scope of its own work.

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

29.8 Informal Working Groups (scrutiny and overview function)

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

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

30 Access to Information and Meetings

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

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

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

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

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

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

- (a) notice of the proposed key decision has been published in the Forward Decision List
- (b) At least 28 clear days have elapsed since the publication of the notice of key decisions
- (c) Notice of the meeting or intended decision making has been given
- (d) Five working days following the making of the decision have elapsed and no call-in has been received in accordance with standing order 12.3 above

30.6 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 Chairman 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.

30.7 Record of individual decision

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

30.8 Special Urgency

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

31 Special Meetings

31.1 A special meeting:-

- (a) may be called by the Chairman of that meeting at any time; and
- (b) shall be called on notice being given in writing to the Chief Executive by a quarter of the members of that meeting stating that they desire a meeting.

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

32 Vacancies and substitutions on Council bodies and task groups

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

- (a) consulted with the Members of the group; and,
- (b) communicated the name of the person nominated to the Chief Executive; and,
- (c) the Member nominated under paragraph 32.1(b) is not precluded from being by any rule of law or of the Council.

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

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

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

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

33 Duration of Council meetings

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

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

34.1 Every Member of the Council shall have the right to attend any Meeting including Task Groups. A Member exercising this right shall inform Democratic Services no later than two hours before the commencement of the Meeting of their intention to attend.

34.2 Every Member of the Council shall have the right to speak at any Meeting including Task Groups subject to the provisions as to declarations of interest, provided that they shall, inform Democratic Services at least two hours before the Meeting of their intention to do so and on what items they wish to be heard..

34.3 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, any item on which they spoke, and shall include a summary of what they said.

35 Statutory appointments

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

(a) The Head of the Paid Service

(b) The Monitoring Officer.

(c) The Chief Financial Officer

36 Recording or broadcasting meetings

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

36.2 "Reporting" means

- filming, photographing or making an audio recording of proceedings
- using any other means for enabling a person who is not present to see or hear proceedings at a meeting as it takes place or later
- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

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

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

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

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

37.1 Where the Cabinet submits a:-

(a) plan or strategy prescribed by the Local Authorities (Standing Orders) (England) Regulations 2001 ("the regulations") to the Council for approval by the Council; or

(b) any estimate or amount prescribed under Paragraph 6 of Part II of the regulations and the Council wishes to amend, approve or adopt the plan or strategy, or object to any estimate or amount, it must inform the Leader of the Council of any objections to the plan or strategy or estimate or amount.

37.2 Where an objection is received under this standing order the Cabinet must consider the objection within such period as shall be specified by the Council (being not less than 5 working days beginning with the date that the Leader received the objection) and the Leader of the Council may either amend the plan or strategy or a revision of the estimates or amounts or inform the Council of the reasons why the Cabinet disagrees with the Council's objections.

37.3 The Council must take account of the amendments made by the Cabinet to a plan or strategy and any reasons why the Cabinet disagrees with the Council's objections when it amends, approves or adopts a plan or strategy or before it makes a calculation in accordance with sections 32 to 37 or 43 to 49 of the Local Government Finance Act 1992 or issues a precept under Chapter IV of Part 1 of that Act.

38 Decisions by 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 Chairman will remind all present that recordings may be made in accordance with the Openness Regulations.

(c). The Chairman will make it clear that whilst the Council respects the right to record and communicate, the right must be exercised reasonably and having regard to the need for the orderly conduct of business at the meeting.

(d). To ensure that this objective is achieved, the following criteria will be adopted:

(i). Persons should remain seated whilst they are recording. Walking around the meeting room whilst recording will not be permitted.

(ii). If other members of the public present express a wish not to be filmed or photographed whilst they are speaking, this request should be respected.

(iii) No oral reporting or commentary of the meeting be permitted on the meeting as it takes place by any person who is present at the meeting. This restriction is imposed to avoid noise which could otherwise disrupt the meeting.

(iv) If in the opinion of the Chairman, any other behaviour or activity is taking place which in his/her opinion is preventing the orderly conduct of business at the meeting (for example, the use of flash photography), the Chairman will exercise his/her discretion to adjourn the meeting.

(v) To avoid the possibility of accidents, the Council will not permit the use of electric sockets for electronic equipment

(e). Persons recording are reminded that the right to record whole (or part) of a meeting, extends only to those meetings (or part thereof) that the public are entitled to attend. If the public is lawfully excluded from the meeting at any stage (for example because confidential information is being discussed), the right to record immediately comes to an end for the whole of the period that the meeting is in "private" session.