

CONSTITUTION
as at January 2025

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**BOROUGH COUNCIL OF KING'S LYNN AND WEST NORFOLK
CONSTITUTION
PART 1**

SUMMARY AND EXPLANATION

The Borough Council's Constitution

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

What is in the Constitution?

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

What are the structures by which the Council operates?

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

Public Rights

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

Council Meetings and the Mayor

- 6 Article 2 describes the Council's membership of 55 Councillors, elected every four years by voters in areas called wards, who can stand, and the role and functions of elected Councillors.
- 7 Article 4 describes those Council functions which it undertakes itself and Article 5 deals with the position of Mayor who presides at Council meetings.

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

The Cabinet

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

Scrutiny and Overview – challenging decisions and developing policy

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

Regulatory Bodies

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

Additional Bodies

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

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

Task Groups

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

Area Bodies

- 16 The Council The Council has a King's Lynn Area Consultative Committee, which acts as a Consultative forum made up of King's Lynn Councillors to consider any issues pertinent to King's Lynn.

Co-operating with Other Organisations

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

Council Staff

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

Good Decisions

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

Councillors

- 20 The Council has 55 councillors who are elected every four years. Councillors are democratically accountable to residents of their ward. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.
- 21 Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Standards Committee trains and advises them on the code of conduct and determines complaints referred to it by the Council's Monitoring Officer.

Key Decisions List

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

Public Participation

- 23 There are several ways in which members of the Public can make their views known on issues, influence decisions and raise issues that concern them. These include:-

- Responding to consultation exercises e.g. surveys and questionnaires
- Lobbying Councillors
- Writing to Councillors or Council Offices
- Asking questions at Council Meeting
- Public Speaking at Planning Committee
- Scrutiny and Overview Function

PART 2 - ARTICLES

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

Article 1 — The Constitution

Purpose of the Constitution

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

Powers of the Council

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

Choosing Options within the Constitution

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

Article 2 — Members of the Council

Composition and Eligibility

- 2.01 The Council consists of 55 members, called Councillors. They are elected by the voters in areas which are created as Borough Wards in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State and which is reviewed periodically.

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

Election Time and Term of Office

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

Roles and Functions of Councillors

2.04 The main functions of councillors are:

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

Rights and Duties of Councillors

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

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

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

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

Article 3 — Citizens and the Council

Citizens' Rights

3.01 Citizens have the following rights.

- (a) Voting and petitions.

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

(b) Information.

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

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

(c) Participation.

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

(d) Complaints.

Citizens have the right to complain:

- (i) through the Council's Corporate Complaints process
- (ii) to the local government 'ombudsman', if not satisfied after using the Council's own complaints procedure; and
- (iii) to the Council's Monitoring Officer about any breach of the Borough Council of King's Lynn and West Norfolk's Code of Conduct.

Article 4— The Council

Functions of the Council

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

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

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

Definitions

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

- Local Plan
- Corporate Strategy
- Treasury Management Strategy
- Risk Management Strategy
- Health and Safety Strategy
- Equality Strategy
- Asset Management Plan
- Procurement Strategy

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

Council Meetings

4.02 There are four types of Council meeting:

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

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

Responsibility for functions

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

Article 5— The Mayor and the Chairing of the Council

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

Article 6 - Scrutiny and Overview Committees

Structure of the scrutiny and overview function

- 6.01 The Council's Scrutiny and Overview responsibility is fulfilled through the combined functionality of the Policy Review and Development Panels
- (a) The Corporate Performance Panel shall scrutinise and may directly challenge the Cabinet and delegated decision-makers.
 - (b) The Policy Review and Development Panels shall work both i.) reactively to review existing policy and its delivery and ii.) proactively to develop revised or new policy and review the forward Decisions. iii.) Scrutinise Decisions taken after 30 days have lapsed.
 - (c) The Panels may have any matter included for discussion on the agenda of a relevant Scrutiny and Overview Body.
 - (d) Other non-executive members (i.e. those not sitting on a Policy Review and Development Panel) may put any matter for discussion forward for inclusion on a relevant Scrutiny and

Overview agenda. In such instances, inclusion of the matter is at the discretion of the relevant Scrutiny and Overview body's Chairman and Vice-Chairman, in consultation with the relevant officers. The decision, on whether to approve inclusion or not, then being reported under Chairman's Correspondence at the body's next meeting. The following factors would be influential in arriving at such a decision:

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

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

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

Role of the Policy Review and Development Panels

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

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

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

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

6.06 In addition the Corporate Performance Panel shall:

within 30 days of the decision scrutinise decisions, and recommendations to Council made by members on the delegated authority of the Council or in implementation of policy by the Cabinet provided that there shall be one opportunity only to close in respect of any decision or group of decisions; (NB after 30 days of a decision being made, any requisite review becomes the responsibility of the relevant Policy Review and Development Panel)

- (a) consider subject to Standing Order 12.6 all 'called in' decisions and recommendations to Council and decide whether to refer the outcome to Council or the Cabinet within 30 days.

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

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

- (a) consider matters affecting the Borough or local people;
- (b) review the performance of the Council specifically in relation to its policy objectives, performance targets or particular services.
- (c) post implementation reviews of major projects and significant policy changes and the introduction of new policies.
- (d) monitor the medium term Financial Plan
- (e) assist in advancing the development of effective policy for promoting or improving the economic, social and environmental wellbeing of the people and communities of King's Lynn and West Norfolk;
- (f) question members of the Cabinet and senior officers about their decisions and performance, whether generally in comparison with Directorate plans and targets over time, or in relation to particular decisions, initiatives or projects;
- (g) review the performance of other public bodies in the area and invite reports from them by requesting them to address the relevant Policy Review and Development Panel about their activities and performance;
- (h) question and gather evidence from any other willing person.
- (i) make reports and/or recommendations to the full Council and/or the Cabinet in connection with the discharge of any of their functions.

Article 7 - The Cabinet

Role

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

Composition

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

- 7.03 The Cabinet shall consist of not more than ten members including its Chair who is Leader of the Council.
- 7.04 The Leader appoints a Deputy Leader and up to eight other Cabinet Members.
- 7.05 The Mayor and Deputy Mayor of the Council cannot be appointed to the Cabinet. In addition, no Member of the Cabinet can be a Member of the Policy Review and Development Panels or the Audit Committee.
- 7.06 A Leader will be elected for a four year term at the Annual Meeting immediately following the ordinary election of Members.
- 7.07 Where there is a vacancy in the office of Leader, a new Leader can be elected by the Full Council at any Full Council Meeting.
- 7.08 After election the Leader shall hold office until:
- (a) They resign from the office (which shall be reported to the next Full Council Meeting);
 - (b) They become disqualified from being a Member (which shall be reported to the next Full Council Meeting);
 - (c) They are removed from office by resolution of the Full Council; or
 - (d) Immediately preceding the Annual Meeting following the next ordinary election of Members.
- 7.09 If the Council removes a Leader from office by resolution, it must elect a new Leader at the same Full Council Meeting or a subsequent Full Council Meeting.
- 7.10 The Deputy Leader shall deputise for the Leader and carry out the functions delegated to the Leader in periods of their incapacity or absence.
- 7.11 The Deputy Leader shall hold office for a period of four years from the date of appointment by the Leader or until:
- (a) They resign from office;
 - (b) They cease to be a Member;
 - (c) They are removed from office by the Leader
- 7.12 Other Cabinet Members shall hold office until:
- (a) They resign from office;
 - (b) They cease to be a Member;
 - (c) They are removed from office by the Leader

Proceedings of the Cabinet

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

Responsibility for functions

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

- 7.15 Other Cabinet Members shall be appointed by the Leader and shall hold office until removed from office by the Leader, until resignation or until the Cabinet Member ceases to be a Member, which ever shall be the sooner. Cabinet Members each hold a Portfolio as set out in Part 3 of the Constitution and this sets out the functions delegated to each portfolio holder and the limitations on that delegation.
- 7.16 The Leader may appoint Deputy Cabinet members, the role and responsibilities of which are set out below:

Purpose

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

Duties and Responsibilities

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

Article 8 —Other Boards and Committees of the Council

Regulatory and other Boards

- 8.01 The Council will appoint the following Committee and Boards to perform the functions set out in Part 3 of this Constitution as being their responsibility. They will operate with the remits and terms of reference and subject to the relevant Rules of Procedure set out in Part 4 of this Constitution.
- (a) Standards Committee
 - (b) Planning Committee
 - (c) Licensing and Appeals Board
 - (d) Licensing Committee
 - (d) Appointments Board
 - (e) Audit Committee

Article 9 - Task Groups

Task Groups

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

Composition

- 9.02 Unless the Leader of each registered Political Group agrees to the contrary, Task Groups will be appointed in accordance with the rules on political proportionality contained in the Local Government and Housing Act 1989 and having regard to Councillors' particular interests, expertise and willingness to participate.
- 9.03 For the purpose of making appointments nominations will be made to the Chief Executive by Political Group Leaders
- 9.04 Informal Working Groups (Scrutiny and Overview Function)
Instead of introducing an additional formal body to the process, through setting up a Task Group (with its accompanying demands on time and valuable resources), Policy Review and Development Panels may find it expeditious to carry out basic research (evidence gathering and preliminary analysis) through the use of what are termed Informal Working Groups:
- (a) these Working Groups are not formal Council Bodies but are simply subsets of a Policy Review and Development Panel (including other invitees as the Panel sees fit) which will work quickly and informally, within tight terms of reference defined by their respective Panel, to effect evidence gathering and preliminary analysis. The responsible Panel will then formally consider these findings and develop them (with further research as necessary) into a full report and recommendations.
 - (b) The use of Informal Working Groups should simply be seen as a semi-structured means of quickly moving review-type work forward. They present Policy Review and Development Panels with an opportunity to: [i] make the most of Councillors interests and experience; [ii] draw in other interested/experienced Councillors; and, [iii] invite in external experts or possibly other members of the public with a direct stake or experience in the subject matter. Members and those outside of the authority may be more inclined to be involved in an apparently less bureaucratic approach.

Article 10 - Area Committees and Forums

The Council has a King's Lynn Area Committee which is made up of King's Lynn Councillors. It acts as an Area Committee and considers matters relating specifically to King's Lynn.

Article 11 — Joint Arrangements

Arrangements to promote Well Being

- 11.01 In order to promote the economic, social or environmental well being of the Borough, and if it considers that to do so will serve the purposes of the Constitution in Article 1, the Council may:
- (a) make arrangements or agreements with any person or body;
 - (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
 - (c) exercise on behalf of such a person or body any of their functions.

Joint Arrangements

- 11.02 Details of any joint arrangements, including any delegations of the Council's powers to joint committees or joint executive functions, will be included in the Council's scheme of delegation in Part 3 of this Constitution.
- 11.03 Decisions whether or not to make joint arrangements shall be reserved to the Council or the Cabinet in respect of Joint Executive Functions.

Access to Information

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

Article 12 — Council Employees

Staffing Structure

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

Functions of the Statutory Posts

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

report will have the effect of stopping the proposal or decision being implemented until this report has been considered.);

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

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

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

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

Conduct of Employees and Councillors

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

Employment

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

Article 13 - Decision making

Responsibility for decision making

- 13.01 Part 3 of this Constitution sets out who is responsible under the current arrangements for taking decisions in relation to each of the Council's functions. **Principles of Decision Making**
- 13.02 All decisions on behalf of the Council shall be made in accordance with the following principles.
- (a) Any action or omission that is authorised by the Council must be intended to have an effect proportionate to the desired effect.
 - (b) Decisions should not be made on behalf of the Council without seeking, receiving and having regard to the professional advice of officers.
 - (c) Respect must be had for the human rights of all persons involved.
 - (d) There should be a presumption in favour of making decisions publicly.
 - (e) Whenever practicable, and in any event whenever it is required by law, the Council will seek to consult those having a particular interest in it before making a decision.

Process of Decision Making

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

Significant under (a) above is defined within this Borough as £500,000+ and significant under (b) above is detailed as one third or more of the resident population of a ward.

Article 14 - Financial and Legal Rules

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

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

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

Article 15 - Review and Revision of the Constitution

Duty to Review the Constitution

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

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

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

Duty to Monitor the Constitution

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

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

Changes to the Constitution

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

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

Article 16 - Interpretation and Publication of the Constitution

Suspension of the Constitution

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

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

Interpretation of the Constitution

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

Publication

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

Definition of Executive Arrangements

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

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

PART 3
CONTENTS

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Part 3

1 REMITS AND TERMS OF REFERENCE OF COUNCIL BODIES

Context

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

Appendices

A - Appointments Board/Investigating and Disciplinary Committee

Composition

- A.1 The Appointments Board/Investigating and Disciplinary Committee shall consist of up to nine members and no councillor shall be disqualified from appointment by membership of any other Council body.
- A.2 To comply with the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015) an Investigating and Disciplinary Committee must be politically balanced and must include at least one member of the executive.
- A.3 For the making of general arrangements for its operation, and for the selection of a Chief Executive, the whole Board shall be convened; but it shall not be required to involve all of its members in all parts of the selection process for a Chief Executive.
- A.4 Panels of the Board may be used for making other appointments. The Chairman, in consultation with the Chief Executive, shall designate at least five members to form Appointments Panels which shall be authorised to perform all the functions of the Board in relation to that appointment.
- A.5 In the case of a complaint being received against a statutory officer, the decision whether to refer the matter to the Investigating and Disciplinary Committee will be delegated to a sub-committee of the IDC consisting of three members, and which will be politically balanced as far as is practicable. The three members forming the sub-committee will then be excluded from participating in any process arising from their decision.
- A.6 In designating the members to form Appointments Panels or sub-committees of the Investigating and Disciplinary Committee, and in advising on it, the Chairman and the Chief Executive (or where appropriate, the Monitoring Officer) respectively shall have regard to political proportionality, to the responsibilities of members in relation to the duties attaching to the post to be filled, and to the need for any substitution of members.

Functions Referred to the Board and the Terms of their Reference

- A.7 Within the employment policies and procedures established by the Council, the Appointments Board shall make the general arrangements for selecting “chief officers” and, following a decision to operate the process of selection set out in Standing Order 23, shall conduct the process in accordance with that Standing Order.
- A.8 In consideration of the nature of a particular post falling within the legal definition for appointment purposes of “chief or deputy chief officer”, the Council, when authorising the operation of the selection process, may choose for the selection to be made by the process which would apply to a post not normally fillable by the Appointments Board.
- A.9 Within the procedures established by the Council, the Appointments Board shall appoint persons to the Councillors’ Independent Allowances Panel and to the non-councillor places on the Standards Committee (subject to the involvement of the Chairman/Vice Chairman).
- A.10 Within the procedures established by the Council, the Investigating and Disciplinary Committee will have delegated responsibility for the appointment of an Independent Investigator to undertake an investigation into any matter it considers warrants investigation. Such investigator to be appointed from the list provided by the National Joint Secretaries, and co-ordinated by the relevant Executive Director.
- A.11 The Investigating and Disciplinary Committee will have delegated responsibility for the suspension of “the relevant officer(s)”. In the event of the need for urgency, this function will be delegated to the Chief Executive, should there be a need to suspend the Monitoring Officer or Section 151

Officer, or the Monitoring Officer should there be a need to suspend the Chief Executive. In all cases the decision will be made in consultation with the Chair of the IDC and the relevant Executive Director.

B - Cabinet

Cabinet

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

Terms of Reference

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

Powers and Duties

The Cabinet shall have the following duties.

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

- B.17 Determine applications for grants.
- B.18 Appoint representatives to outside bodies in so far as this is authorised by the Council.
- B.19 Make a compulsory purchase.
The Cabinet may also:-
- B.20 Vire funds in accordance with the Council's financial regulations.
- B.21 Refer any matter to the Council for its consideration.
- B.22 Commission research into any matter.
- B.23 To hold an enquiry into a particular issue or issues relating to the Borough or the Council.

NB – List of Cabinet Members Responsibilities is appended to the constitution

C - Planning Committee

Composition

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

Terms of Reference

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

Functions Referred to the Committee

The Committee shall have the following functions.

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

D - Licensing and Appeals Board

Composition

- D.1 The Licensing and Appeals Board shall consist of up to fifteen members who must undertake relevant training before taking up the position and no councillor shall be disqualified from appointment by membership of any other Council body provided that no more than three members shall be elected from among the members of the Cabinet.
- D.2 To comply with the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015) the Appeals Panel convened to consider appeals by statutory officers must be politically balanced and must include at least one member of the Cabinet.
- D.3 Members of the Appeal Panel convened to consider an appeal by a statutory officer should consist of five members who are not members of the Appointment Board/Investigating and Disciplinary Committee.
- D.4 For the making of general arrangements for its operation, the whole Board shall be convened but shall not involve all of its members in hearing particular applications or appeals.
- D.5 In designating the members to form Panels, and in advising on it, the Chairman and the relevant Executive Director, or their respective nominee, shall have regard to political proportionality where appropriate, to any involvement which would appear to call a member's impartiality into question, and to the knowledge and experience of members in relation to the subject of the hearing.

Terms of Reference

- D.6 Subject to complying with any relevant legal requirements, the Board shall apply such policies, procedures and consultative processes as the Council shall determine.

Functions Referred to the Board

The Board shall have the following functions.

- D.7 Act as a review panel in cases where an applicant calls for a review of any decision and where there is a right to such a review.
- D.8 Hear and determine licensing applications and appeals.
- D.9 Hear and determine applications under the Highways Act 1980 concerning bridleways and footpaths when any objection that is not withdrawn causes a hearing to be held.
- D.10 Hear and determine appeals by Council employees where such a right is part of the relevant personnel procedure.
- D.11 Hear and determine appeals against disciplinary sanctions short of dismissal relating to statutory officers.
- D.12 Hear and determine any other appeals that, under Council procedures or decisions, require determination by the Council.

D1 - Licensing Committee

Composition

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

Terms of Reference

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

Functions Referred to the Committee

The Committee shall have the following functions.

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

E - Standards Committee

Composition

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

Terms of Reference

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

Functions Referred to the Committee

The Board shall have the following functions.

- E.9 The promotion and maintenance of high standards of conduct by Councillors and co-opted members.
- E.10 Monitor the implementation and operation of the Council's codes of conduct for Councillors and Officers.
- E.11 Determine breaches of codes of conduct which have been referred to it and to impose sanctions.
- E.12 Determine appeals under section 5 of the Council's Policy on Managing Unreasonable Complainant Behaviour
- E.13 Consider reports from the Monitoring Officer and.
- E.14 To determine applications for dispensations.
- E.15 Consider nominations for the award of Freedom of the Borough, and make recommendations to Full Council for the award or refusal.
- E.16 Consider applications for the revocation of any award of Freedom of the Borough, and make recommendations to Full Council as regards to such revocation

F - Audit Committee

Composition

- F.1 The Audit Committee shall consist of 9 Members and no councillor shall be appointed who is a member of the Cabinet, or a Deputy Cabinet Member.
- F.2 The Council shall appoint its Chairman, and the Committee shall appoint its own Vice-Chairman.

Introduction

- F.3 The Audit Committee was set up in 2006, with Terms of Reference drawn up in line with guidance from the Chartered Institute of Public Finance and Accountancy (CIPFA). These were approved by Council in November 2006.
- F.4 These Terms of Reference describe the purpose, authority and principal responsibilities of the Audit and Risk Committee.
- F.5 The Terms of Reference need to be reviewed every three years and presented to Council for approval. The Terms of Reference were last reviewed in 2013. **The next review is due – May 2019.**

Statement of Purpose

- F.6 The purpose of an Audit Committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the Council's financial and non-financial performance to the extent that it affects the Council's exposure to risk and weakens the control environment, and to oversee the financial reporting process.

Responsibilities

- F.7 The main areas of responsibility for the Audit Committee will be to:
- a. Monitor the Council's responsibilities under the Accounts and Audit Regulations 2011, and approve the Statement of Accounts.
 - b. Review the Council's assurance statements, including the Annual Governance Statement (AGS), to check that it properly reflects the risk environment and any actions required to improve it.
 - c. Monitor the Council's compliance with Financial Regulations and Contract Standing Orders, and consider any proposals for changes to these.
 - d. Agree with the external auditor the basis of the annual audit, including the overall level and composition of the fee and the content of performance work.
 - e. Receive reports by the external auditor, including all performance reports and the Annual Management Letter.
 - f. Monitor delivery of the internal audit activity, fraud investigation work and Risk Management in the Council.
 - g. Monitor the response to audit reviews and investigations and the implementation of agreed recommendations.

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

Core Functions

- F.8 In order to fulfil the above responsibilities, the Audit Committee will need to carry out the functions described below:
- a. Consider the effectiveness of the Council's risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements.
 - b. Monitor action taken on risk-related issues identified by management, auditors and inspectors (notably through monitoring progress identified on risks included in the corporate risk register).
 - c. Review internal audit's strategy and plan, and monitor performance.
 - d. Review summary internal audit reports and the main issues arising, and seek assurance that action has been taken where necessary.
 - e. Receive the annual report of the Audit Manager.
 - f. Receive the reports of external audit and inspection agencies.
 - g. Ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted.
 - h. Monitor management action in response to any issues raised by internal audit.

Meetings

- F.9 There will be a minimum of four meetings per annum, but this can be increased if the workload requires it. The forthcoming programme of work will be reviewed at each meeting.
- F.10 Internal Audit should be able to meet privately with the Committee.
- F.11 There should be opportunity for the Audit Committee to meet privately and separately with the external auditor, independent of the presence of those officers with whom the auditor must retain a working relationship. If the Committee decides that a meeting is required, suitable arrangements will be made by the Chair.

G - Functions of the Council

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

Part 1

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

Part 2

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

H - Policy Review and Development Panels

i) Corporate Performance Policy Review and Development Panel

Composition

- H.1 The Panel shall consist of up to twelve members and no councillor shall be appointed who is a member of the Cabinet or a Deputy Cabinet Member.
- H.2 The Council shall appoint its Chairman, and the Panel shall appoint its own Vice-Chairman.

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

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

within 30 days of the decision scrutinise decisions, and recommendations to Council made by members on the delegated authority of the Council or in implementation of policy by the Cabinet provided that there shall be one opportunity only to close in respect of any decision or group of decisions; (NB after 30 days of a decision being made, any requisite review becomes the responsibility of the relevant Policy Review and Development Panel)

- (a) consider subject to Standing Order 12.6 all 'called in' decisions and recommendations to Council and decide whether to refer the outcome to Council or the Cabinet within 30 days.
- (b) make reports and/or recommendations to the full Council and/or the Cabinet in connection with the discharge of any of their functions.
- (c) report annually to the full Council on the work that they have completed during the preceding 12 months.
- (d) be directly accountable to, and subject to the direction of, the full Council

The Panels' function, in reviewing the developing Council policy, are those set out in Article 6.07 of Part 2 of the Constitution (reproduced below).

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

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

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

I

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

Composition

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

Terms of Reference

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

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

- (a) consider matters affecting the Borough or local people;
- (b) review the performance of the Council specifically in relation to its policy objectives, performance targets or particular services.
- (c) post implementation reviews of major projects and significant policy changes and the introduction of new policies.
- (d) monitor the medium term Financial Plan
- (e) assist in advancing the development of effective policy for promoting or improving the economic, social and environmental wellbeing of the people and communities of King's Lynn and West Norfolk;
- (f) question members of the Cabinet and senior officers about their decisions and performance, whether generally in comparison with Directorate plans and targets over time, or in relation to particular decisions, initiatives or projects;
- (g) review the performance of other public bodies in the area and invite reports from them by requesting them to address the relevant Policy Review and Development Panel about their activities and performance;
- (h) question and gather evidence from any other willing person.
- (i) make reports and/or recommendations to the full Council and/or the Cabinet in connection with the discharge of any of their functions.



SCHEME OF DELEGATION

August 2024

BOROUGH COUNCIL OF KING’S LYNN AND WEST NORFOLK

SCHEME OF DELEGATION

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

- C = Consultation
- WM = A Ward Member in the Ward affected
- PH = Portfolio Holder
- CE = Chief Executive
- MO = Monitoring Officer
- CFO = Chief Financial Officer
- ED = Relevant Executive Director
- KLAC = Kings Lynn Area Committee
- LAC = Licensing and Appeals Committee/Board

PORTFOLIO HOLDER DELEGATIONS

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

an executive decision which is likely –

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

where significant under a) above is £500,000 or more and significant under b) above is one third of the resident population in a ward.

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

Where a reserve exists for a specific purpose (eg renewal or repair reserve), the Director - Resources may withdraw funds from that reserve, PROVIDED THAT the withdrawal is to finance an item or items of expenditure related to the reasons for the existence of the reserve, up to a value of £100,000 per annum. Any necessary withdrawal that exceeds this amount additionally requires the approval of the relevant Portfolio Holder.

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

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

It is the responsibility of each Portfolio Holder in consultation with the relevant Executive Director to ensure that every executive decision is made with the full knowledge of a Democratic Services Officer who shall ensure each decision is properly recorded and published.

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

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

General Powers

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

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

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

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

Contracts

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

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

OFFICER DECISIONS

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

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

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

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

Portfolio Holder	Functions	Consultations	Officer Delegation
1. THE LEADER	1.1 Implementation of corporate Policy	CE/CFO/MO Requires rec to Council for any change.	Chief Executive / Monitoring Officer/Executive Directors / CFO Implement corporate policy and ensure Executive decisions are taken in accordance with the law, financial regulations and policy.
	1.2 Cross Cutting/Cross Remit issues/overarching responsibility for Cabinet portfolios/issues not covered by other portfolios	CE & ED & Portfolio holders	Chief Executive and Executive Directors Day to day management of the process
	1.3 Democratic Processes	MO	Chief Executive and Executive Directors Day to day management of the Council's democratic processes. Timetable of Meetings.
	1.4 Legal	CE and MO	Chief Executive / Monitoring Officer Sign and serve any notice, order or document or act as proper officer under Section 234 of the Local Government Act 1972 where no other officer is currently appointed. To affix and attest the common seal of the Council where the common seal is required pursuant to any decision of the Council. To take any measures necessary to recover possession of land/property owned or leased by the Council, including encampments (whether or not on Council owned land).

			Authorise the postponement of charges made on Council property. Day to Day management of assigning budget resources to all legal matters. Day to day management and delivery of legal services.	
	1.5 Communication strategy and implementation	ED	Chief Executive and Executive Directors Day to day management of communications on behalf of the Council, in accordance with Council Policy.	
	1.6 Civics	CE, Civics Officer Mayor or Deputy Mayor	Chief Executive To determine applications to use the Council's coat of arms. Chief Executive and Executive Directors Day to management of the office of the Mayor and Deputy Mayor and civic ceremony.	
	1.7 Equal Opportunities strategies and policies (not as the employer)		Chief Executive and Executive Directors Day to day management.	
	1.8 Public and Civil Emergencies, emergency planning and emergency management	Civil Emergency Liaison and CE Leader, Deputy Leader, MO	Chief Executive and Executive Directors To exercise any power to protect the interests and well-being of the inhabitants of the Borough in cases of emergency. Chief Executive and Executive Directors Day to day management of the Civil Emergency Plan	<i>C – Cabinet as soon as reasonably practical</i>
	1.9 Business Continuity	ED	Chief Executive and Executive Directors Day to day management of the process.	

	1.10 Policies relating to Employment, Personnel, Pay, Pensions, Training and equalities (as an employer)	ED	<p>Chief Executive and Executive Directors Implementation of service re-organisations and re-structuring within budget. Approval for the funding of training courses for both full and part time study for all employees. Updating the Performance Management Scheme.</p> <p>Chief Executive Changes to posts for senior staff (Executive Directors).</p>	<p>C ED</p> <p>C ED on Settlement agreements.</p>
	1.11 Performance Management including KPIs and Risk Management	ED, MO,CFO	<p>Chief Executive and Executive Directors Implementation of performance management reviews, production of performance management information and undertaking risk management Day to day management of the Corporate Risk Register and Service Level Risks</p>	
	1.12 GDPR, Freedom of Information and Data Protection	MO	<p>Monitoring Officer Respond to requests for information under the GDPR, Freedom of Information and Environmental Information legislation, requests under Data Protection legislation. Maintain Publication Scheme. Maintain Council's Data Protection registration. Authorise the use, loan or reproduction of the Councils archive material. Day to day oversight and management of policies and procedures relating to information governance.</p>	

	1.13 Developing and managing external strategic relationships		Chief Executive and Executive Directors Day to day management of the process	
	1.14 Shared services, Partnerships and Joint Working arrangements		Chief Executive and Executive Directors Day to day management of the process	
	1.15 Major funding, investment and housing delivery		Chief Executive and Executive Directors Oversight, day to day management and implementation major funding and Major Project schemes	
	1.16 Policy development and submission to Council	CE/CFO/MO	Chief Executive / Monitoring Officer/Executive Directors / CFO Provision of professional advice on policy review and development	
	1.17 Corporate Governance		Chief Executive / Monitoring Officer/Executive Directors / CFO Delivery of corporate governance across the Council	
	1.18 Customer Complaints		Chief Executive / Monitoring Officer/Executive Directors Day to day management and engagement with the Local Government and Social Care Ombudsman	
	1.19 Transformation	Leader, CE	Chief Executive / CFO/Executive Directors Day to day development and management of the transformation programme	

	1.20 Arrangements with West Norfolk Property Ltd and West Norfolk Housing Company Ltd		Chief Executive/Executive Directors Day to day management of contractual arrangements and relationships with the Council	
	1.21 Shareholder function in relation to the Council wholly owned companies (delegated to the Shareholder Committee)		Chief Executive / Monitoring Officer/CFO Undertaking role of Shareholder Representative, where so appointed by the Shareholder Committee	
	1.22 Arrangements with King's Lynn Town Board (including any future iteration)		Chief Executive / CFO/Executive Directors Day to day management of the governance arrangements with the King's Lynn Town Deal Board, acting as a King's Lynn Town Deal Board Member where so appointed and managing the role as Accountable Body for the Towns Fund	
	1.23 Overall responsibility for organisational culture and vision including the Corporate Strategy (as approved by Full Council) and Annual Plans		Chief Executive /Executive Directors Day to day development and management of the culture and strategic direction of the Council	
	1.24 Corporate Health and Safety		Chief Executive Day to day responsibility for the Council's corporate Health and Safety function.	
	1.25 Regeneration strategy, policy and implementation	ED	Chief Executive and Executive Directors Day to day management of Regeneration Projects.	

			Submission of bids for and Management of Regeneration projects. Chief Executive and Executive Directors Authorisation to retain professional expertise as required.	
	1.26 Executive Outside Bodies		Chief Executive Replacement/substitution of members on executive Outside Bodies	Subject to nomination from the Leader

Portfolio Holder	Functions	Portfolio Holder Consultations	Officer Delegations	Limits on Delegation
2 Business & Culture and Deputy Leader	2.1 Culture and performing arts, including implementation of cultural strategy	ED	Chief Executive and Executive Directors Day to day management and delivery of the cultural strategy	C PH.
	2.2 Commercial Investment, development and promotion	ED	Chief Executive and Executive Directors Day to day management and implementation of strategies and schemes for commercial investment, development and promotion within the Borough.	C PH
	2.3 Museums & Heritage	ED	Executive Directors Day to day management and delivery of museum premises owned by the Council, including Stories of Lynn and strategy on heritage assets Day to day management of Heritage premises in the Council's ownership.	
	2.4 Promotion and Marketing of the Borough	ED	Chief Executive and Executive Directors Day to day promotion and marketing of the Borough.	

	2.5 Tourism	ED	<p>Executive Directors Day to day management of tourism premises owned or operated by the Council.</p> <p>Chief Executive and Executive Directors Day to day management of the tourism issues including strategy and management. Arranging or overseeing exhibitions, conferences and tourism as appropriate.</p>	
	2.6 Arts policies and strategies	ED	<p>Executive Directors Day to day operation of the policies.</p>	
	2.7 Determination of Applications for Circuses on Council property.		<p>Executive Directors Determination of applications to hold circuses on council land.</p>	
	2.8 Sports facilities, venues	ED	<p>Executive Directors Management and Maintenance of the fabric of all leisure and sports buildings. Responsibility for sports facility provision issues</p>	
	2.9 Arts/Theatre/ Entertainment facilities, venues	ED	<p>Monitoring Officer/ Executive Directors Management and Maintenance of the fabric of all arts and entertainment. Day to day management and delivery of the client function with Alive West Norfolk</p>	
	2.11 Leisure and Alive West Norfolk	ED	<p>Monitoring Officer/Executive Directors (subject to any conflicts in relation to Officer Directors) Day to day management and delivery of the leisure client function with Alive West Norfolk.</p>	ED

			Day to day management and delivery of any other leisure provision sitting outside of the arrangement with Alive West Norfolk	
	2.12 Business Partnerships		Chief Executive and Executive Directors Day to day management	
	2.13 King's Lynn BID		Chief Executive and Executive Directors Day to day management	
	2.14 Economic Development	ED	Chief Executive and Executive Directors Day to day management	
	2.15 Management and maintenance of the Industrial Estates	PH and PH for Finance where transaction over £250,000	Executive Directors Day to day management and maintenance of Council Industrial Estates interests together with the ability to authorise all related transactions at market rent/value. Subject to: <ul style="list-style-type: none"> • Acquisition or disposal of freehold land up to £499,999. • Acquisition or disposal of leasehold land up to an annual rental value of £499,999.* • Discharge or relaxation of freehold or leasehold covenants. • Determine all applications for the assignment of lease agreements**. • To approve or refuse applications to the Council as Landlord for any approval or consent. • Authorise non-Housing Act tenancies and licences. 	

			<ul style="list-style-type: none"> • Authorise the applications to release or relax restrictive covenants attached to houses formally owned by the Council 	
	2.16 Management and maintenance of council owned property assets (not Industrial Estates)(including but not limited to King's Court, Town Hall, the Depot, community centres, crematorium and cemeteries	PH and PH for Finance where transaction over £250,000 PH where property is in another portfolio holder's functional area	<p>Executive Directors Management of Council property interests together with the ability to authorise all related property transactions at market rent/value. Subject to:</p> <ul style="list-style-type: none"> • Acquisition or disposal of freehold land up to £499,999. • Acquisition or disposal of leasehold land up to an annual rental value of £499,999* • Discharge or relaxation of freehold or leasehold covenants. • Determine all applications for the assignment of lease agreements**. • To approve or refuse applications to the Council as Landlord for any approval or consent • Authorise non-Housing Act tenancies and licences • Authorise the applications to release or relax restrictive covenants attached to houses formally owned by the Council 	<p>C ED, PH * Financial limit not applicable to industrial estates where an unlimited rental is allowed. ** except where residential element.</p> <p>C ED</p> <p>C ED, PH, WM</p> <p>C ED, PH</p>
	2.17 Management of Ancient Corporate Estates		<p>Executive Directors Day to day management of the ancient corporate estates.</p>	
	2.18 Financial Support and grants (financial		<p>Executive Directors and CFO Day to day administration</p>	

	assistance scheme and SLAs)			
	2.19 Responsibility for policy development relating to property acquisition and disposal and submission to Council	CE/CFO/MO	Chief Executive and Executive Directors Provision of professional advice on policy review and development and implementation of adopted policies	

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Portfolio Holder	Functions	Portfolio Holder Consultations	Officer Delegation	Limits on Delegation
3 Planning and Licensing	3.1 Development of Local plan, planning performance and Land Use Policies		Executive Directors Minor consequential amendments to planning policy in accordance with national and regional policy changes. Issuing of Local Plan guidance and information. Implementation of major strategic allocations Day to day management of performance of the Planning service.	C - ED

	3.2 Transport policies and joint implementation		Chief Executive and Executive Directors Responding to consultations on traffic regulation orders. Day to day management and delivery of joint transport policies and strategies	
	3.3 Planning Enforcement performance		Executive Directors Day to day management of the performance of the Planning Enforcement operation	
	3.4 Building control		CNC - Executive Directors The exercise of all local authority functions under the Building Act 1984, the Housing Acts and Public Health Acts so far as they relate to the function of the Council as a Building Control Authority. Act as appointing officer under the Party Wall Act 1996. Building Control enforcement and exercise the right of entry to land and premises	
	3.5 Street naming and numbering	WM	Executive Directors Management of Street numbering and naming	
	3.6 Commons		Chief Executive and Executive Directors Management and operation	
	3.7 Compulsory Purchase Orders and Enforced Sale Procedures		Executive Directors Implementation of Compulsory Purchase Orders, having first been approved by Council, and Enforced Sale Procedures	

	3.8 Land Charges		Executive Directors Maintain the Register of Local Land Charges and Land Terrier.	
	3.9 Derelict Land and Buildings		Executive Directors Day to day management.	
	3.10 Community Infrastructure Levy (CIL)		Executive Directors Day to Day management and delivery	
	3.11 Planning and Delivery of Custom and Self Build Strategy		Executive Directors Day to day management	
	3.12 Licensing policies and performance		Chief Executive and Executive Directors Day to day implementation of the Licensing Policies, undertake consultations, engage with relevant stakeholders ad decisions on hackney carriage fires and designated ranks. Performance of the Licensing Function.	
	3.13 Parish Council Liaison		Chief Executive/Executive Directors/Monitoring Officer Day to day management of relationship with Parish Councils	
	3.14 Health & Safety policies and performance (not corporate)		Executive Directors Day to day management of policies and performance of the function	

Portfolio Holder	Functions	Portfolio Holder Consultations	Officer Delegation	Limits on Delegation
4 Finance	<p>4.1 All policies and Strategies relating to the council's finances having first been recommended by Cabinet and approved Council including (but not limited to):</p> <p>Budget Treasury Management Financial Management of assets Statement of Accounts Capital Strategy Fees and charges</p>	CE/CFO/MO Requires rec to Council for any change.	<p>Chief Executive / Executive Directors CFO / Monitoring Officer Ensure Executive decisions are taken in accordance with the law and financial and policy guidelines.</p> <p>Chief Executive and Executive Directors / CFO Day to day management. Write Off irrecoverable debts. Administration of banking arrangements. Manage insurance for the Council, its property and employees. Exchequer services including raising and repayment of loans. Approval and publication of Statement of Accounts. Authorisation of virements and budget transfers. Authorise urgent payments. Day to day management of fees and charges.</p>	
	4.2 Procurement and Financial Regulations and Contract Standing Orders	ED	<p>Chief Executive and Executive Directors / CFO/MO Day to day management and enforcement of the Council's Procurement Strategy and Financial Regulations and Contract standing orders.</p>	

	4.3 External Audit, Internal Audit, Anti-fraud and Insurances	MO as necessary	<p>Chief Executive and Executive Directors / CFO Responsibilities under S.151 and S114 (Chief Financial Officer). Enforcement of Financial Regulations Day to day management of the Internal Audit function and process. Support the external Audit function and process Manage insurance for the Council, its property, wholly owned companies and employees. Day to day management of the Council's anti-fraud and corruption policies, including money laundering and anti-bribery</p>	
	4.4 Efficiencies, savings, income generation, external funding and Business Rate Growth		<p>Chief Executive and Executive Directors & CFO Day to day management</p>	
	4.5 Financial implications for the Council	ED	<p>Chief Executive and Executive Directors & CFO Day to day management</p>	
	4.6 Delivery Models		<p>Chief Executive and Executive Directors & CFO Development of future delivery models</p>	
	4.7 Housing benefit, revenues, welfare benefits and advice	ED	<p>Chief Executive and Executive Directors and CFO Administration of housing benefit and Council Tax benefit and discretionary housing payments. Collect, administer, demand and recover Council Tax and National Non-Domestic Rate precepts and any</p>	

			other Tax or Charge levied by the Council. Collection of rents.	
	4.8 West Norfolk Wins Lottery		Chief Executive and Executive Directors and CFO Day to day administration of Lottery	
	4.9 ICT and the web site	ED	Executive Directors Day to day management of the service.	
	4.10 Support and grants (where not covered by another portfolio)		Chief Executive and Executive Directors and CFO Day to day administration	

Portfolio Holder	Functions	Portfolio Holder Consultations	Officer Delegations	Limits on delegation
5 Climate Change and Biodiversity	5.1 Climate Change Policies	ED	Chief Executive and Executive Directors Day to day management and implementation of policy Chief Executive and Executive Directors Development of policy	
	5.2 Energy strategy	ED	Chief Executive and Executive Directors Monitoring of energy efficiency measures to Council buildings. Day to day management and implementation of policies and strategies	
	5.3 Biodiversity, Local character		Executive Directors Day to day management.	
	5.4 Policies relating to air quality		Executive Directors Day to day management, implementation and development of policy	
	5.5 Active Travel (including cycling and the Ferry)		Chief Executive and Executive Directors Day to day management, implementation and development of policy.	

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

	6.7 Pollution control		Executive Directors Day to day management	
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Portfolio Holder	Functions	Portfolio Holder Consultations	Officer Delegations	Limits on Delegation
7 People and Communities	7.1 Housing Strategies and Associated Policies		Executive Directors Day to day delivery of housing and homeless strategies and policies including administration of the Council's Housing policies.	
	7.2 Housing Register		Executive Directors Management of Housing Register in accordance with policy and nominations of households to Registered Providers.	
	7.3 Homelessness		Executive Directors Exercise of homelessness functions.	
	7.4 Housing Standards in the Private Sector		Executive Directors Day to day delivery of housing standards role including housing enforcement and compliance functions.	
	7.5 Houses in Multiple Occupation (HMO)		Executive Directors Grant, renew and revoke all licences and issues under the relevant housing legislation.	

	7.6 Loans and grants for housing	CFO	Executive Directors Approval/refusal/withdrawal and authorisation of renovation grant scheme payments.	
	7.7 Home Improvement Agency, Care and Repair and associated operations and Careline		Executive Directors Day to day management of the Home Improvement Agency, Care and Repair and associated operations and Careline.	
	7.8 Residential Caravan Site Licensing		Executive Directors To grant, transfer or revoke licenses and exercise of duties in relation to residential caravans.	
	7.9 Social Inclusion		Chief Executive and Executive Directors Day to day management.	
	7.10 Gypsy, Roma and Travellers	WM	Executive Directors Exercise of function. Dealing with unauthorised encampments.	
	7.11 Public Health and Well-being including prevention, improvement, promotion, Healthier Lives Strategy and community care and Lily		Chief Executive and Executive Directors Day to day management.	
	7.12 Local Health Partnerships		Chief Executive and Executive Directors	
	7.13 Community Safety/Neighbourhood nuisance service including help hub, control of noise, odour,		Executive Directors General day to day management of the community safety service and compliance with	

	light, dust, smoke and other pollutants, Public Health. Land drainage and sewerage issues. Planning and Licensing consultations regarding the above. enforcement. Building Act 1984 and Housing Acts as relevant to environmental health		any legislative provisions relating to crime, disorder and nuisance. Investigations, authorisations and interventions relating to anti-social behaviour including service of notices, warrants and any other statutory enforcement.	
	7.14 Community initiatives and safety, transport and shop mobility		Chief Executive and Executive Directors Day to day management.	
	7.15 Council Information Centre and Customer Relations		Executive Directors Day to day management.	
	7.16 Assets of Community Value		Chief Executive and Executive Directors Day to day management of the process including maintaining Community Asset Register	
	7.17 Skills		Executive Directors Day to day management of the process	
	7.18 Safeguarding		Chief Executive and Executive Directors Day to day management and delivery of safeguarding policies and strategies	
	7.19 Care leavers		Executive Directors	

			Provision of support within the Council's functions	
	7.20 King's Lynn unparished area insofar as not delegated to King's Lynn Area Committee (KLAC)	KLAC	Chief Executive and Executive Directors Day to day support to unparished areas within the Council's functions, including to KLAC	
	7.21 Financial Support and grants (financial assistance scheme and SLAs)		Executive Directors and CFO Day to day administration	

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Portfolio Holder	Functions	Portfolio Holder Consultations	Officer Delegations	Limits on Delegation
8 Events and open spaces	8.1 Car Parking operations		Executive Directors Day to day management including decisions on making and amending Car Park Orders and entering and managing external contracts with other local authorities for the provision of their on-street and off-street parking enforcement and ancillary support	
	8.2 CCTV		Executive Directors	

			Day to day management including entering and managing external contracts with other local authorities for the provision of CCTV services	
	8.3 Public conveniences	WM	Executive Directors Management and maintenance of the Council's public conveniences.	
	8.4 Open and Green Spaces policies and strategies	ED	Chief Executive and Executive Directors Day to day operation of the policies and implementation.	
	8.5 Parks, Gardens and amenity areas including play areas and allotments	WM, ED	Executive Directors Day to day management of such facilities including exclusion of persons as necessary	
	8.6 Street Scene, public cleansing, street lighting and bus shelters		Executive Directors Day to day management.	
	8.7 Town Centre Management		Chief Executive and Executive Directors Day to day management of town centres	
	8.8 Crematorium and Cemeteries		Executive Directors Day to day operational management	
	8.9 Liaison with Downham and Hunstanton Town Councils		Chief Executive and Executive Directors Day to day management of the process	
	8.10 Christmas Lighting		Executive Directors Provision of Christmas lighting across the Borough	

	8.11 Events in King's Lynn and Markets and Fairs		Executive Directors Day to day administration of events in King's Lynn and Markets and Fairs in the Borough	
	8.12 Resort and Seafront Management	WM, ED	Executive Directors Day to day management of resorts and seafront	
	8.13 Depot Operational Arrangements		Executive Directors Day to day management	

Body	Functions	Consultations	Officer Delegations	Limits on delegation
10 Council	<p>10.1 The Constitution.</p> <p>10.2 Adopting the Council's Policy Framework and determining matters involving a change or deviation from approved policy.</p> <p>10.3 Approving the Council's position relating to local government boundaries, electoral divisions or number of Council Members.</p> <p>10.4 By-law creating and management and promotion or making of local Acts.</p> <p>10.5 Determining matters referred to Council by other bodies.</p> <p>10.6 Appointments (staff and Members)</p> <p>10.7 Determining the Council's Executive Arrangements.</p> <p>10.8 Appointment of Honorary Aldermen or bestowing Freedom of the Borough.</p>		<p>Chief Executive</p> <p>To act as Head of Paid Service under and for the purposes of section 4 of the Local Government and Housing Act 1989 and lead the senior management team.</p> <p>To act as Electoral Registration Officer and Returning Officer for all elections, Parish Polls and Referendums and to take such action as is necessary to carry out those duties.</p> <p>Executive Director</p> <p>To act as Deputy Electoral Registration Officer and Deputy Returning Officer</p> <p>Chief Executive</p> <p>To act as the Proper Officer for the Council, as defined by Section 270 (3) Local Government Act1972</p> <p>To exercise any power to protect the interests and wellbeing of the inhabitants of the Borough and the Council where it is considered necessary and desirable, in consultation with the Leader of the Council and the relevant Portfolio Holder and</p>	<p>C –Cabinet as soon as reasonably practical and report to Council at next meeting</p>

			<p>subject to notification of the relevant decision making body.</p> <p>Staff Restructuring within budget including staff redundancies.</p> <p>Day to day management of the Council's democratic processes. Member Substitutions at meetings</p> <p>Following resignation from a Council body, substitution of Members from same political group onto the Body for the remainder of the year.</p> <p>Replacement/substitution of members on Outside Bodies.</p> <p>Chief Executive Day to day management of personnel function within the Council, including development of appropriate protocols in accordance with policy across the Council, including pay award negotiation, performance related pay, honoraria (as advised by Service managers or Management Team in the case of service head or above), leave arrangements, recruitment arrangements, disciplinary arrangements including suspension of</p>	<p>Consultation with the Leader and Cabinet Member for Personnel.</p> <p>-Subject to notification from Group Leader or individual member</p> <p>-Subject to notification from Group Leader and agreement of CE.</p>
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			<p>service/compromise/termination arrangements, retirement arrangements, implementation of job evaluation.</p> <p>Variation and termination of employment contracts, extension of service following retirement age, suspension, confirmation of employment following completion of probationary period.</p> <p>Power to appoint staff.</p> <p>Appointment of Temporary employees for up to 12 months (PG6-13)</p> <p>Authorisation of payment of loans, pay in lieu, allowances, compensation and grants etc to staff and waiver of such repayments or payments due in appropriate cases in accordance with policy.</p> <p>Designation and associated work related to casual/essential user car allowances/ loans/hiring.</p> <p>Development of necessary protocols in accordance with overall legislation/policy</p>	
	10.9 Statutory Functions		<p>Monitoring Officer</p> <p>To maintain and update a list of statutory provisions under which the Council acting through any Executive Director may exercise powers devolved to the Council.</p>	

			<p>Authorise, a prosecution, rights of entry, the commencement, defence or settlement of any legal proceedings brought by or against the Council, except in the case of Health and Safety at work prosecutions taken under the act or regulations made under the Act when the power to issue legal proceedings is given to the Health and Safety Inspectors be authorised under the relevant Health and Safety legislation.</p> <p>To act as Monitoring Officer (Local Government & Housing Act 1989), Registrar of Local Land Charges, Authorised Officer (under the Regulation of Investigatory Powers Act 2000), Parish Trustee.</p> <p>To Act as Money Laundering Officer (Proceeds of Crime Act 1995)</p> <p>Sign and serve any notice, order or document or act as proper officer Local Government legislation where no other officer is currently appointed.</p> <p>To affix and attest the common seal of the Council where the common seal is required pursuant to any decision of the Council.</p> <p>To authorise changes to this Scheme of Delegation to reflect any changes made by the Leader of the Council regarding the Portfolios held by Cabinet Members, including the Leader's portfolio, in consultation with the Leader.</p> <p>Assistant Director Resources</p>	
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			<p>To act as Chief Financial Officer under S.114 of the Local Government Finance Act 1988 and S.151 of the Local Government Act 1972</p> <p>Chief Executive Authorised Officer under the Regulation of Investigatory Powers Act</p> <p>To exercise the delegated powers of any Executive Director where they are absent for any reason or the post is vacant.</p> <p>Officers identified in the Council's Scheme of Delegation are permitted to authorise other officers to exercise delegated function, unless specifically (whether by statute or otherwise) prohibited from doing so.</p>	<p>*excluding any action involving the commencement of civil or criminal proceedings (delegated to LSM)</p>
	Health and Safety where not as the employer		<p>Chief Executive and Executive Directors Approval of Health and Safety Inspectors under the relevant legislation. Day to day responsibility of the Health and Safety process where not as the employer including the signature and service of all notices under the relevant legislation.</p>	

Body	Functions	Consultations	Officer Delegations	Limits on Delegation
11 Cabinet	<p>Individual delegations set out as per Portfolios above.</p> <p>11.1 Make recommendations to Council on corporate strategic and service policies and the detailed implementation of those policies</p> <p>11.2 Delivery of Services within the approved policy and budgetary framework and reviewing the operational framework functions and resources within it. Virement of funds in accordance with Financial Regulations</p> <p>11.3 Monitoring of the Councils Resources, make recommendations to Council on the overall Budget, Council Tax, and carry out any consultation required.</p> <p>11.4 To exercise any Executive function duty, action or power which is</p>	<p>Delegations to individual portfolio holders apply equally to the Cabinet as a whole</p> <p>Report to Council</p> <p>Rec to Council</p>	Delegations as set out in portfolio groups	

	<p>not delegated to any other Council Body in order to protect the Council's interests.</p> <p>11.5 Appoint representatives to Outside Bodies where they are Executive appointments.</p> <p>11.6 Refer any matter to Council for consideration.</p> <p>11.7 Commission Research into any matter or hold an enquiry into a particular issue or issues relating to the Borough or the Council at their discretion.</p>			
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			<p>(iii) convicted of an offence involving dishonesty or drugs; Applications which disclose that the applicant has been convicted of an offence under the provisions of the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976;</p> <p>(iv) Applications which disclose that the applicant has been convicted of an offence relating to the driving or ownership of a motor vehicle and has more than six penalty points on his/her licence;</p> <p>(v) Applications which disclose that the applicant has committed a breach of, or failed to comply with, the terms of an existing or previous hackney carriage or private hire licence.</p> <p>To approve applications for hackney carriage and private hire drivers licences that fall within any of the categories set out in paragraphs (i) to (v) of the preceding paragraph if in the opinion of the Executive Director – G Hall, any offence by the applicant is so minor or irrelevant as to have no proper bearing on the determination of the application.</p>	
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		<p>Consultation with Chr & V Chr and post decision to L&A Board for info</p>	<p>Road Traffic legislation - to “suspend or revoke a Hackney Carriage or Private Hire driver’s licence with immediate effect where the Licensing Authority are of the opinion that the interests of public safety require such course of action 21.3.13 L&AB</p>	
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Body	Functions	Consultations	Officer Delegations	Limits on delegation
<p>14 Appointments Board/Investigating and Disciplinary Committee</p>	<p>14.1 Full Board to appoint Chief Executive 14.2 Panels of Board to appoint Chief Officers 14.3 Panels of Board appoint Independent and Parish Council members of the Standards Committee* 14.4 Panels of the Board appoint members to the Independent Allowances Panel 14.5 To consider complaints against statutory officers.</p>	<p>Cabinet Cabinet & CE *Chair/Vice-Chair of Standards Committee</p>		

Body	Functions	Consultations	Officer Delegations	Limits on delegation
14 Standards Committee	14.1 Promote high standards of conduct within the Council 14.2 Monitor the implementation and operation of the Codes of Conduct for Members, officers and towns & parishes and confidential reporting codes, including development of protocols 14.3 As a whole or in a Panel of the Committee to determine complaints made regarding breaches of the Code of Conduct	MO	Monitoring Officer On behalf of the Committee to administer the local assessment of complaints and carry out investigations on complaints made under the Code of Conduct. To provide advice to Members and Towns & Parishes including Clerks and Members on aspects of the Code	

Specific delegation of exercise of planning functions to the Executive Director – Environment & Planning

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

1.1 Determining applications made under the Planning Acts.

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

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

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

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

The exceptions to 1.1.2 a) above are where :

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

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

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

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

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

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

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

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

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

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

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

1.2 Sifting Panel

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

1.3 Other planning related functions delegated to the Executive Director – Environment & Planning

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

1.4 Enforcement of Planning Control under the Planning Acts

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

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

(b) stop notices and temporary stop notices;

(c) breach of condition notices;

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

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

(f) injunctions and their enforcement;

(g) completion notices;

(h) urgent works notices;

(i) listed building repairs notices

(j) advertisement removal notices

(k) discontinuance notices

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

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

1.5 High hedges

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

1.6 Other legislation

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

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

b) Building Act 1984

c) Environment Act 1995

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

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

Notes

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

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

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

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



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

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

What petitions can we accept?

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

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

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

For some issues, such as planning and licensing decisions or council tax banding and non-domestic rates, there is already an established way for communities to have their say, so these are not included in our petition scheme. However, if we are failing to deliver these services properly then you can submit a petition. For example, we cannot accept a petition about an individual planning application but you can petition us about failing to deliver an effective service for planning applications. If a petition organiser is unsure whether their issue is something they can petition us about, we will be happy to advise them.

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

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

Petitions submitted to the Council:

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

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

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

How to submit a petition

We can accept paper petitions sent to us or presented to us. If a petition organiser wants to present their petition to a meeting of the council, or would like their councillor or someone else to present it on their behalf, they should contact our Democratic Services Office on 01553 616632 at least 10 working days before the meeting to arrange this.

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

What we will do when we receive a petition

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

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

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

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

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

How will we respond to petitions?

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

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

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

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

Full Council debates

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

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

Officer evidence

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

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

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

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

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

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

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

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

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

Online Petitions

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

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

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

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

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

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

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

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

You can withdraw an online petition at any time.

How do people 'sign' an online petition?

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

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

Local Protocol – Member Champions

Contents

1. Introduction.
2. Appointment of Member Champions
3. Role of Member Champions
4. The Parameters of the Champion Role
5. Cabinet Members – Working Relations
6. Accountability
7. Training
8. Attendance at Seminars/Conferences
9. Allowances
10. Interests
11. Dispute Mechanism

Annex 1 - Possible Roles of Member Champions

Local Protocol – Member Champions

1. Introduction

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

2. Appointment of Member Champions

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

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

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

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

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

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

3. Role of Member Champions

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

4. The Parameters of the Member Champion Role

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

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

5. Cabinet Members – Working Relationship

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

5.2 Cabinet Members will normally:

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

6. Accountability

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

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

7. Training

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

8. Attendance at Seminars and Conferences

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

9. Allowances

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

10. Interests

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

11. Dispute Mechanism

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

Annex 1

Possible Roles of Member Champions

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

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

Council Procedure Rules

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1. Interpretation

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

2. Types of meetings of the Full Council

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

3. Annual Meeting

Timing and business

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

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

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

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

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

Procedure at Annual Meetings

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

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

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

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

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

4. Ordinary Meetings

Timing and business

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

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

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

4.2.2 prayers

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

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

Procedure at Ordinary Meetings

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

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

5. Extraordinary Meetings

Timing and business

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

Procedure at Extraordinary Meetings

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

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

6. Budget Meeting

Timing and business

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

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

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

Procedure at Budget Meetings

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

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

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

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

6.7.1 Speaking on the Budget:

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

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

Agenda Papers:

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

Votes:

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

7. Notice of Motion

Scope

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

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

Notice requirements

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

At the Ordinary Meeting

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

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

8 Questions to Cabinet Members

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

- 8.10 The order of putting questions shall commence with a Member from the largest opposition Political Group, proceeding in descending order to the smallest opposition Political Group, followed by a non-aligned Member and finally a Member from the administration Political Group. This order shall repeat until the time for questions has elapsed or there are no more questions to be put.
- 8.11 The Mayor may disallow, re-direct or postpone any question asked under this Rule.
- 8.12 A Cabinet Member who is asked a question under this Rule may decline to answer it and instead make a written answer which shall be provided to every Member within 5 clear working days of the Ordinary Meeting and included as an attachment to the minutes of the Ordinary Meeting.
- 8.13 Every question arising under Rule 8 shall be asked and answered without debate.
- 8.14 If this item on the Ordinary Meeting agenda has not commenced or completed by the end of the Ordinary Meeting, it shall be deemed as complete on the closing of the Ordinary Meeting. It shall not carry over to the next Ordinary Meeting.

9 Questions to Chairs of Council Bodies

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

- 9.7 If this item on the Ordinary Meeting agenda has not commenced or completed immediately before the end of the Ordinary Meeting, it shall be deemed commenced and complete on the closing of the Ordinary Meeting. It shall not carry over to the next Ordinary Meeting.

10 Motions Without Notice

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

10.1.16 a motion to obtain any consent of the Full Council that may be required under these Rules.

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

11 Procedural Closure Motions

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

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

A motion “that the question now be put” may only be moved by a Member who has not spoken previously on the item of business that would be affected or alternatively the motion may be moved by the Mayor.

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

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

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

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

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

is passed, plus any other remaining business, will be considered when the Full Council Meeting is reconvened.

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

12 Urgent Motions

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

12.2 Whenever business is transacted in accordance with Rule 12.1, the Mayor shall be required to specify the special circumstances that require the item to be considered as a matter of urgency, and those matters shall be recorded in full in the minutes of the Full Council Meeting.

13 Rules of Debate

Moving a Motion

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

Debating a Motion

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

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

Amendments to Motions

Moving an Amendment

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

- 13.15 If the amendment is compliant with Rule 13.13, the Mayor will invite the Proposer of the amendment to propose and speak on the amendment. The Proposer of the amendment may speak for up to 5 minutes.
- 13.16 The amendment must be seconded. The Secunder may speak on the amendment for up to 5 minutes when they second it or reserve their right to speak later in the debate.
- 13.17 The Proposer and Secunder of the amendment cannot be the Proposer or Secunder of the Substantive Motion. The Proposer of a Substantive Motion may propose to alter the Substantive Motion under Rule 10.1.7.

Accepting the Amendment

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

Debating the Amendment

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

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

Following the Vote on an Amendment

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

Summary of who can Speak

- 13.31 A Proposer of a Substantive Motion may speak:
- 13.31.1 to propose the Substantive Motion for up to 5 minutes
 - 13.31.2 to exercise a right of reply at the close of the debate on the Substantive Motion for up to 5 minutes
 - 13.31.3 to exercise a right of reply at the close of any debate on any amendment to the Substantive Motion for up to 5 minutes
 - 13.31.4 to call for a Point of Order
 - 13.31.5 to call for a Point of Personal Explanation
 - 13.31.6 to move a Motion without Notice under Rule 10
- 13.32 A Member other than the Proposer of the Substantive Motion may speak:
- 13.32.1 to second and/or or speak on the Substantive Motion

13.32.2 to speak on any amendment (including proposing or seconding an amendment, save that the Secorder of the Substantive Motion cannot second an amendment)

13.32.3 to call for a Point of Order

13.32.4 to call for a Point of Personal Explanation

13.32.5 to move a Motion without Notice under Rule 10

14 Points of Order

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

15 Points of Personal Explanation

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

16 Voting

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

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

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

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

- 16.5 A ballot may be used where the item relates to the appointment of Members to positions and there is more than one position to be filled. The results of the ballot shall be included in the minutes of the Full Council Meeting as if it were a recorded vote.
- 16.6 Where a vote is required on a motion to appoint or elect to a position and there are more candidates than positions, and a ballot is not being used, then for each position the names of the candidates shall be read out to all Members present and Members will then be invited to indicate their chosen candidate by calling out the chosen candidate's name. The numbers of votes for each candidate shall be read out and the candidate(s) with the most votes shall be appointed.
- 16.7 Immediately after a vote on any matter, a Member may require that the way in which they voted on that matter is recorded in the minutes of the meeting.
- 16.8 At meetings of a Regulatory Council Body a Member shall not vote on an item unless they have been present at the commencement of the debate on that item and have remained present throughout the totality of the debate.

17 Rescinding a Previous Resolution

- 17.1 No motion to or which would have the effect to rescind or reverse a Resolution of the Full Council shall be considered by the Council, within a period of six months from the date of that Resolution, unless it is moved with the support in writing by at least seventeen Members of the Council.
- 17.2 The Resolutions covered by Rule 17.1 include decisions in respect of any Notice of Motion, or any amendment of a Notice of Motion (whether or not such motion or amendment was passed), as well as any other decision taken in exercise of the Council's functions.
- 17.3 Once a motion has been moved with the support required in Rule 17.1, no further motion shall be introduced by that means, in respect of substantially the same subject matter, for a period of six months from the day when the motion was moved.

18 Duration of Full Council Meetings

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

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

19 Disorderly Conduct

Disorderly conduct by Members of the Council

- 19.1 A Member who persistently disregards the ruling of the Mayor, or who behaves irregularly, improperly, or offensively, or who wilfully obstructs the business of any such Full Council Meeting, shall be guilty of disorderly conduct.
- 19.2 If a motion under Council Procedure Rule 10.1.13 is put and passed at a Full Council Meeting, any Member who is so named shall not be heard further in any debate during the remainder of that Full Council Meeting.
- 19.3 If a Member does not comply with a motion that is passed under the Rule above, the Mayor shall:
- 19.3.1 if the motion was for the Member not to be further heard, move “that the Member do leave the meeting” and that motion shall be put and determined without being seconded and without debate;
 - 19.3.2 ask the Member to leave the Full Council Meeting room for the remainder of the Full Council Meeting; or
 - 19.3.3 adjourn the Meeting for such period as they think fit.
- 19.4 If a Member does not comply with any motion that is passed under the Rules above, or continues to disrupt a Full Council Meeting that reconvenes after a motion under the Rules above has been passed, the Mayor may order such action as is necessary to be taken to secure the removal of that Member from the Meeting and prevent their re-entry.
- 19.5 The Mayor shall report to the Standards Committee any motion that is passed under the Rules above and any action occurring under the Rules above.

Disorderly conduct in meetings by members of the public

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

General disturbance of any meeting

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

20 Public question time at Ordinary Meetings

Public Question Time

- 20.1 At each meeting of the Council, a period not exceeding 30 minutes shall be allowed for persons not being Members of the Full Council having an interest in the Borough to ask questions about:-
- (a) the Council's policies; or
- (b) the work of the Council in respect of any matter or issue affecting the Borough.
- 20.2 The Chief Executive shall not allow any questions that, in their opinion:
- 20.2.1 relate solely to the questioner or their family

- 20.2.2 contain any defamatory, confidential or exempt material or would require a response that might be defamatory or require the disclosure of confidential or exempt material
 - 20.2.3 relate to specific applications for planning permission or for licences;
 - 20.2.4 relate to individual Members or officers of the Council or an individual member of the public.
- 20.3 Members of the public who wish to ask questions under this Rule must submit them in writing to the Chief Executive before 5pm two clear working days before the day of the meeting at which they are to be put or presented.
- 20.4 The receipt of questions under this Standing Order shall be recorded in a register in the order in which they are received and they will be presented to the Council in that order. The register shall be open to inspection by members of the public.
- 20.5 The Chief Executive shall confirm to each person whose question is entered into the register kept in accordance with paragraph 14.4 and confirm:
- (a) whether their question may be asked
 - (b) the date, time and place of the Meeting at which the question may be asked
 - (c) the procedure for asking their question and receiving an answer
 - (d) their position in a list of the persons whose questions have been accepted.
- 20.6 The questions that may be asked under this Rule shall not appear on the agenda of the meeting at which they are to be asked, but will be published on the Council's website with the agenda papers before the Ordinary Meeting.
- 20.7 The person who submits a question under this Rule shall normally ask it. However, the Mayor may allow that person to be accompanied by a friend and allow the friend to ask the question. The person who submits the question also has the option of asking their question remotely if they are able to connect to the Meeting and can be heard by the Meeting. The Mayor may suspend the question being asked and/or answered due to the quality of the audio not being sufficient to enable Members to hear, in the opinion of the Mayor.
- 20.8 A question that is asked under this Rule shall be addressed to the Mayor and shall be answered by any Member of the Council nominated by them. An answer may take the form of:
- (a) a direct oral response; or
 - (b) in exceptional cases, where an oral reply cannot be given conveniently, by a written answer, which shall be given to the questioner within 7 clear working days of the date of the meeting or such longer period as the Mayor may allow.

In every case where an oral response is not given, the Mayor will state that an oral response would be inconvenient and the reasons for this, which will be minuted. A copy of the written answer shall be included as an attachment to the minutes of the Meeting.

- 20.9 Every questioner may ask a supplementary question once their first question has been answered but no exchange (including the time taken to ask and answer a supplementary question) shall be permitted to exceed a total of 5 minutes.
- 20.10 Any question that is accepted but cannot be asked at the meeting because of lack of time, shall be answered in writing by a Member or Officer of the Council within 7 clear working days of the meeting. The person responsible for answering the question shall be announced by the Mayor at the end of each Public Question Time. A copy of the written answer shall be included as an attachment to the minutes of the Meeting
- 20.11 Every question shall be asked and answered without there being any debate of that matter by the Council.

21 Petitions at Ordinary Meetings

- 21.1 The Council will accept:
 - 21.1.1 paper Petitions either sent or presented to it;
 - 21.1.2 online Petitions, using our petition tool on the Council's website;
 - 21.1.3 Petitions which are emailed to the Council, or created using other petition software, but only if the names, addresses and the email addresses of the people who have signed the Petition are attached.
- 21.2 In order to meet the requirements of the Council's Petition scheme, a petition must contain a minimum of 250 signatures.
- 21.3 The Council will not deal with Petitions that:
 - 21.3.1 Include a matter which in the Chief Executive's opinion is vexatious, abusive or contains otherwise inappropriate comments e.g. containing swearing or other insults or anything that is false or potentially defamatory.
 - 21.3.2 Do not comply with data protection, libel, equalities and anti-discrimination legislation.
 - 21.3.3 Concern employment matters for Borough Council staff.
 - 21.3.4 For issues, such as planning and licensing decisions or council tax banding and nondomestic rates, there is already an

- established way for communities to have their say, so these are not included in the Petition scheme.
- 21.3.5 Are substantially the same as a similar Petition considered by the Council in the preceding 12 months.
- 21.4 The Council reserves the right not to take action on:
- 21.4.1 Party political material.
 - 21.4.2 Information which may be protected by an injunction or court order.
 - 21.4.3 Material which is potentially confidential, commercially sensitive, or which may cause personal distress or loss.
 - 21.4.4 Any commercial endorsement, promotion of any product, service or publication.
 - 21.4.5 The names of individual officials of public bodies, unless they are part of the senior management of those organisations.
 - 21.4.6 The names of family members of elected representatives.
 - 21.4.7 The names of individuals, or information where they may be identified, in relation to criminal accusations.
 - 21.4.8 Language which is intemperate, provocative, racist, sexist, homophobic etc.
 - 21.4.9 Petitions that are similar to and/or overlap with an existing Petition or Petitions.
 - 21.4.10 Has previously been dealt with as a Petition within the last 12 months.
 - 21.4.11 Statements that don't actually request any action.
 - 21.4.12 Wording that is impossible to understand.
 - 21.4.13 Statements that amount to advertisements.
 - 21.4.14 Petitions which are solely intended to be humorous.
 - 21.4.15 Issues for which Petition is not the appropriate channel (e.g. correspondence about a personal issue).
 - 21.4.16 Freedom of Information or Environment Information requests or requests that may result in a breach of the Data Protection Act 2018.
 - 21.4.17 During politically sensitive periods, such as just before an election, if it is considered that a Petition contains politically controversial material, the Council may decide not to accept a Petition, or defer its consideration until after the election. If this is the case, the Council will explain the reasons and the revised timescale which will apply.
- 21.5 Where a Petition contains more than 2,500 signatures, the person who presented the Petition or such other person as signatories to the Petition may nominate by agreement ('the Petition Organiser') may request that a relevant Chief Officer attends a meeting of an Overview and Scrutiny Committee relevant to the subject matter of the Petition to give evidence and answer

questions. Panel members will ask the questions at the Meeting, but the Petition Organiser will be able to suggest questions to the Chair of the Panel by contacting the relevant Democratic Services Officer at least 2 clear working days before the Meeting.

- 21.6 Where a Petition presented to the Council contains more than 5,000 signatures, it will be debated by Full Council ('the Petition Debate'). The Petition Debate, which will last for a maximum of 30 minutes, will usually take place at the meeting when the Petition is first presented to Full Council, although on some occasions this may not be possible and the Petition Debate will then take place at the following meeting.
- 21.7 If a Petition is required to be debated by full Council under Standing Order 9.3.6 and the Petition Organiser wants to present their Petition to the meeting at which the Petition Debate will take place, or would like to nominate their Councillor or someone else to present it on their behalf, they should contact the Democratic Services Office at least 10 clear working days before the meeting to arrange this.
- 21.8 If the Petition Organiser wishes their Petition to be presented to the Petition Debate then, immediately before the Petition Debate, the Petition Organiser (or their nominee) shall be entitled to speak in support of the Petition, for up to 5 minutes. At the conclusion of the Petition Debate a decision will be made on how to respond to the Petition. This could be:
- 21.8.1 To take the action the Petition requests.
 - 21.8.2 Not to take the action requested for reasons put forward in the Petition Debate.
 - 21.8.3 To commission further investigation into the matter, for example by a relevant panel or committee.
 - 21.8.4 Where the issue is one on which the Cabinet is required to make the final decision, the Council will decide whether to make recommendations to inform that decision.
- 21.9 The Petition Organiser will receive written confirmation of this decision. This confirmation will also be published on the Council's website. (Scheme approved by Council 24 June 2010)

END OF COUNCIL PROCEDURE RULES

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

Part 4

STANDING ORDERS

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

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

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STANDING ORDERS

PROCEDURAL RULES

FOR THE CONDUCT OF THE COUNCIL'S BUSINESS

STANDING ORDER: DEFINITIONS

1. The Interpretation Act, 1978 shall apply to the interpretation of these standing orders as it applies to the interpretation of an Act of Parliament.

2. In these Standing Orders, unless the context otherwise demands, the following terms have the meaning assigned to them:

“Access Regulations” means the Local Authorities (Executive Arrangements)(Meetings and Access to Information) (England) Regulations 2012

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

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

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

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

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

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

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

“Chief Officer” means:

- (a) For the purpose of Part 5 of the Standing Orders (Appointment and Discipline of Staff):
 - (i) The Chief Executive
 - (ii) The Head of Paid Service
 - (iii) The Chief Finance Officer
 - (iv) The Monitoring Officer

(v) A statutory chief officer and a non statutory chief officer as mentioned in Section 2 of the 1989 Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Meeting” means the meeting of a Council Body

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

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

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

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

“Scrutiny and Overview Committee” means a Committee appointed by Council under Section 9F of the 2000 Act

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Application of Standing Orders

Extracts from the statutes

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

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

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

(a) to incorporate such provision as may be prescribed in the regulations in Standing Orders for regulating their proceedings and business; and

(b) to make or refrain from making such other modifications of such Standing Orders as may be so prescribed.

(Local Government and Housing Act 1989 s 20 (1)).

1.1 These Standing Orders shall be used to regulate the conduct of any Meeting of a Council Body, plus Informal Working Groups and executive delegated decisions.

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

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

2 Suspension of Standing Orders

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

2.2 Subject to paragraph 2.3 of this Standing Order, Standing Orders other than this one and any Standing Order that is a mandatory statutory requirement may be suspended.

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

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

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

3 Amendment to Standing Orders

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

4 Meetings of the Council

Extracts from the Statute

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

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

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

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

5 The chairing of meetings

Extracts from Statutes

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

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

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

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

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

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

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

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

6 Quorum

Extracts from the Statute

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

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

6.1 Any Meeting shall be quorate providing that:

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

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

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

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

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

7 Business which may be transacted at any meeting

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

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

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

8 Order of Council business

NOT USED

9 Public question time and petitions at meetings of the Council

NOT USED

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

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

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

NOT USED

12 The calling-in of Cabinet recommendations and executive decisions

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

12.2 In this Standing Order, what applies to a recommendation or decision applies to a part of one.

12.3 No recommendation or decision shall be called-in unless: (i) at least four members of the Council give notice in writing to the Chief Executive of their desire to effect a call-in; and (ii) such notice:

- (a) is supported by each Member who desires to call-in a recommendation or decision; and
- (b) is delivered to the Chief Executive before twelve noon of the fifth working day after the one on which the recommendation or decision was published; and
- (c) specifies the recommendation or decision, or part thereof, which it is intended should be the matter of a call-in; and
- (d) specifies the ground(s) upon which it is desired to call-in any matter under this Standing Order.

12.4 Provided the Chief Executive is satisfied that a notice of call-in complies with paragraph 12.3, they will then determine whether or not the call-in is sufficiently valid to pass to the Corporate Performance Panel for consideration (in the absence of the Chief Executive this responsibility will fall to the Council's Monitoring Officer). In assessing the validity of the call-in, regard shall be had to the following:

- (a) Is the decision against a declared policy or budget provision of the Council?
- (b) Is the decision contrary to the views of a key partner authority to the Borough?
- (c) Has a relevant, material matter been overlooked or not been considered in reaching the decision?
- (d) Have the views of Members requesting the call-in been fairly taken into account in arriving at the decision, so making a call-in unnecessary?
- (e) Is the decision likely to cause distress, harm or significant concern to a local community or to prejudice individuals within it?
- (f) Is the matter one which has already been subject to consultation or debate with relevant interested parties so making further debate through Scrutiny unnecessary?
- (g) Is the advice contrary to the advice of the relevant professional institution?
- (h) Is there clear evidence of a breach of procedure?

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

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

12.7 Once formal notification of a valid call-in has been received, the Chair of the Corporate Performance Panel shall request that any additional information, if required beyond that contained within the report supporting the recommendation(s) / decision(s), be suitably collated to facilitate meaningful consideration of the matter by the Corporate Performance Panel. This information should be appropriately distributed in advance of the Committee meeting at which the call-in is to be considered and debated in accordance with Standing Order 15.

12.8 Upon conclusion of the debate the Corporate Performance Panel will decide upon one of the following two courses of action:

(a) support the Cabinet/Cabinet Member's/ officer's recommendation(s) or decision(s). In this case the recommendation(s) or decision(s) will, respectively, be free to pass to Council as they originally stood, or, be available for immediate implementation; or,

(b) uphold the call-in.

12.9 If the Panel upholds the call-in it may then take one of three courses of action:

(a) report to Council, Cabinet or the relevant Cabinet Member or officer requesting that the Cabinet/Cabinet Member's/officer amend or substitute the recommendation(s) or decision(s); or,

(b) if the issue is considered urgent or straightforward, formulate a counter-recommendation or amendment; or,

(c) investigate the matter further at another meeting within thirty working days (beginning with the day after the issue of the notification of the call-in) and then follow the same process as set out above (12.8-12.10)

12.10 The Cabinet/Cabinet Member/officer may amend, substitute or withdraw any recommendation or decision in respect of any matter that has been called-in under paragraph 12.3 of this Standing Order.

12.11 Decisions or recommendations that are amended or substituted in advance of the call-in being considered will then be subject to a renewed call-in period as if the decision/recommendation had been made for the first time. However, if the original proposers of the call-in still wish to call-in the recommendation or decision, after amendment or substitution by the Cabinet/Cabinet Member/officer, the Chief Executive will make a decision as to whether the matter may be considered/debated at the originally scheduled meeting or whether a new call-in process/schedule will need to be instigated.

12.12 No decision of the Cabinet/Cabinet Member/officer that is called in under paragraph 12.3 of this Standing Order shall be acted upon (even if it is amended, substituted or withdrawn) until the call-in is either ended by the Corporate Performance Panel or approved by the Council.

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

12.14 If the Corporate Performance Panel:-

(a) does not end a call-in within 30 days from the date of the decision which has been called in (and the recommendation or decision remains in dispute); or

(b) refers a call-in directly to Council under paragraph 12, the Council shall determine whether to approve the recommendation or decision that has been called-in or to revoke, vary, amend and/or remit it back to the Cabinet/Cabinet Member/officer for further consideration.

12.15 Urgent Decisions

If the Cabinet is proposing to take a Key Decision as an Urgent Decision – and therefore not subject to call in – No such recommendation or decision shall be called-in if the Leader of the Council, after first obtaining notice in writing that the recommendation or decision proposed must be acted on urgently; and that failure to do so would substantially prejudice the interests of the residents of the Borough or the Borough itself; obtains agreement from the Chair of the Corporate Performance Panel, or in his absence the Vice Chair of Corporate Performance Panel, or in their absence the Mayor and in the absence of the Mayor, the Deputy Mayor, that the matter must be acted on urgently without the availability of call in. The Leader of the Council shall report quarterly to Council details of any decisions acted on urgently in the preceding quarter. NB: Non Key Decision Urgent Decisions may be taken without this process providing the reasons for it are given by the Chair or decision maker. (*Regulations 10 and 11 of the Access Regulations*).

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

12.17 Key Decisions

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

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

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

12.18 General Exception for the Key Decision Requirements

If a matter which is likely to be a key decision has not been included in the Forward Plan, the decision may still be taken if:

- (a) the Chief Executive has informed the Chair of The Corporate Performance Panel, in writing, by notice, of the matter upon which the decision is to be made;
- (b) Notice is given of the details of the decision to be made and the reasons why it is impracticable to give 28 days notice.

(c) at least five clear days have elapsed between notice being given and the decision being taken.

13 Motions and amendments that may be moved without notice

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

- (a) the appointment of a temporary Chair of a meeting which has none present.
- (b) the accuracy of a minute.
- (c) the order of item(s) of business.
- (d) the referral of any matter to another meeting for consideration and/or determination..
- (e) the appointment of members that arises from any item of business at a meeting.
- (f) a recommendation to Council.
- (g) permission to withdraw a motion or amendment.
- (h) permission to extend the length of a speech.
- (i) the amendment of a motion.
- (j) any procedural motion under Standing Order 15.
- (k) a motion to suspend any Standing Orders under Standing Order 2.
- (l) a motion to exclude the press and public under section 100A and Schedule 12A of the Local Government Act 1972.
- (m) a motion proposing that a Member, whom it names for disorderly conduct under Standing Order 25, be not further heard or do leave the meeting.
- (n) a motion that authorises the exercise of any statutory duty or power which in the opinion of the Council ought to be exercised as a matter of urgency.
- (o) a motion to obtain any consent of the Council that may be required under these Standing Orders.
- (p) the referral of any matter to a specified Council Body for consideration and/or determination under Standing Order 14.6 (b)

14 Notices of motions which can only be moved with notice

NOT USED

15 Rules of debate

A - Moving and disposing of motions and amendments

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

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

15.3 However, when a report contains more than one recommendation, members of the reporting body shall move and second the adoption of all of them. The Member proposing the adoption of the report may assign any of their rights of reply to other members of that Body nominated by them. Otherwise it will be debated normally.

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

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

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

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

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

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

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

B-The conduct of Members during debate

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

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

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

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

(a) to open the debate on the substantive motion; and,

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

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

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

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

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

15.17 The Mayor/Chair shall call the attention of the Council to continued irrelevance, tedious repetition, or where a question is being asked, failure to put the question expediently and may disallow, re-direct or postpone consideration of any matter raised under these Standing Orders.

C- Special procedural motions for ending a debate or meeting

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

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

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

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

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

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

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

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

D- Disorderly conduct by Members of the Council

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

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

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

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

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

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

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

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

E- Disorderly conduct in meetings by members of the public

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

15.30 Any member of the public who interrupts a meeting behaves in a disorderly manner or breaches the Protocol relating to the Openness Regulations shall be warned by the Chair of the

meeting to stop that behaviour and, if they do not, the Chair may, without any motion being put or seconded or debated:-

- (a) Adjourn the meeting for as long as they consider necessary; and/or,
- (b) Order such action as is necessary to be taken to remove the offending person from the meeting and prevent their re-entry.

F- General disturbance of any meeting

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

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

G - Call-in debating procedure

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

- (a) The Proposer of the call-in and their supporters address the Corporate Performance Panel about the call-in and why it should be upheld;
- (b) The Panel Members receive a submission from the relevant Portfolio Holder;
- (c) The Panel Members receive submissions from Officers;
- (d) The Panel Members receive submissions from members and, at the discretion of the Chair, other interested parties.
- (e) The Panel debates the call-in (in accordance with this Standing Order) during which they may question or seek further information from any of the four parties referred to in (a), (b), (c) and (d) above.
- (f) The Proposer shall exercise a right of reply after the debate.

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

H – General applicability of rules of debate

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

16 The minuting of meetings

Extracts from the Statutes

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

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

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

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

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

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

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

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

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

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

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

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

17 Voting

Extracts from the statutes

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

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

(Local Government Act 1972, Sch 12 para 39)

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

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

17.1 All matters on which a vote is taken shall be decided by the majority of the Members present at a Meeting and voting on them except that, where there is an equality of votes, the Chair may give a casting vote irrespective of whether or not they voted in the first instance,

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

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

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

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

18 Signing of the attendance book

NOT USED

19 Rescinding a preceding resolution

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

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

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

19.4 This Standing Order shall not apply to matters that are called in under Standing Order 12.

20 Interests of Members and Officers in contracts and other matters

Extracts from the Statutes

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

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

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

20.1 A Member of the Council who is present at a Meeting and has any interest pursuant to the Council's code of conduct in a matter that is the subject of consideration by the Meeting shall declare the nature of that interest with an explanation at the start of the Meeting or at the earliest available opportunity and if that interest is a disclosable pecuniary interest shall withdraw from the Meeting including from the public gallery while the matter is under consideration unless a dispensation has been granted to that Member by the Council's Standards Committee. For the avoidance of doubt, it is the responsibility of individual Members to determine whether or not they have an interest. Failure to declare is a breach of the Council's Code of Conduct and may result in a referral to the Council's Standards Committee.

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

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

20.4 Where an officer submits a report to a meeting on a matter in which they have declared an interest under section 117 of the 1972 Act or Paragraph (1), they shall state that such declaration has been, made and give brief details of it, in a separate paragraph at the commencement of the report.

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

21 Canvassing of and recommendations by Members

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

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

22 Relatives of Members or Officers

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

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

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

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

23 Staff establishment and the filling of vacancies

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

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

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

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

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

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

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

23.5 When no qualified person has applied to fill a vacancy in the opinion of the 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 Dismissal

24.1 In the following paragraphs of this Standing Order:

(a) “the 2011 Act” means the Localism Act 2011;

(b) “chief finance officer”, “disciplinary action”, “head of the authority's paid service” and “monitoring officer” have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001;

(c) “independent person” means a person appointed under section 28(7) of the 2011 Act;

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

(e) “local government elector” means a person registered as a local government elector in the register of electors in the authority's area in accordance with the Representation of the People Acts;

(f) “the Panel” means a committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;

(g) “relevant meeting” means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and

(h) “relevant officer” means the chief finance officer, head of the authority's paid service or monitoring officer, as the case may be.

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

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

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

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

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

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

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

- (a) any advice, views or recommendations of the Panel;
- (b) the conclusions of any investigation into the proposed dismissal; and
- (c) any representations from the relevant officer.

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

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

25 Custody of the Seal

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

26 Sealing of documents

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

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

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

27 Authentication of documents for legal proceedings

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

28 Inspection of documents

Extracts from Statutes

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

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

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information and in respect of executive reports, the advice of a political advisor.

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

(a) Members shall be entitled to see all documents relied on by the Cabinet acting together or as Cabinet Members, once a decision has been made, unless the Monitoring Officer is satisfied that the disclosure of a document would disclose exempt information of a type which may be excluded at law.

(b) Members of a Policy Review and Development Panel may, in addition to rights contained in (a) above be entitled to a copy of any document in the possession or control of the Cabinet that contain material relating to business transacted at a private meeting, a public meeting, a decision made or a key decision made by an officer under delegated powers.

28.3

(a) Public inspection of background papers:

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

(b) Summary of Public's Rights:

A written summary of the public's rights to attend meetings, report on proceedings and publish results (all in accordance with the Openness Regulations) and to inspect and copy documents must be kept and available to the public at the Council Offices.

(c) Exclusion of access by the public to reports:

If the Monitoring Officer thinks fit, the Council may exclude access by the public to reports which relate to items during which, the meeting is not likely to be open to the public. Such reports will be marked “not for publication” together with the category of information likely to be disclosed.

29 Membership and constitution of Council bodies

Extracts from the statutes

Neither—

(a) a local authority executive, nor

(b) a committee of a local authority executive,

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

(Section 9GC Local Government Act 2000)

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

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

(Section 3 and 5 Local Government Act 1972)

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

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

Scrutiny and Overview Bodies

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

Cabinet and Boards

Cabinet up to 10 Members (Leader of the Council is

appointed for a four year period at the first Annual Council meeting following the Borough Council elections) (*Local Government and Public Involvement in Health Act 2007*). Neither the Cabinet nor any Committee appointed by the Cabinet are required to be Proportional.

Appointments Board	9 Members (Politically Proportional)
Audit Committee	9 Members (Politically Proportional)
Planning Committee	15 Members (Politically Proportional)
Licensing and Appeals Committee	13Members (Politically Proportional)
Licensing Committee	13 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, Chair and Vice-Chair of the Council as set out above).

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

Task Groups

29.3 The Council, Cabinet and any Policy Review and Development Panel may establish temporary Task Groups to undertake, and report back on, work within the remit of the body that established them.

29.4

(a) Members of Task Groups will be appointed having regard to political balance unless the leaders of each registered political group agree that this rule be disapplied.

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

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

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

(a) have a Councillor membership other than six,

- (b) have non-members of the Council as non-voting members,
- (c) commission research, or
- (d) be able to define the scope of its own work.

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

29.8 Informal Working Groups (scrutiny and overview function)

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

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

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

30 Access to Information and Meetings

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

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

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

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

30.5 Record of individual decision

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

30.6 Special Urgency

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

31 Special Meetings

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

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

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

31.2 The Chief Executive shall summon each relevant Member to a Special Meeting, under paragraph 31.1 of this Standing Order, with a notice served at least five days before the date of the meeting (not including the day on which the notice is sent to each Member and the day of the meeting) which shall set out the business to be considered, and no business other than that mentioned in the notice shall be considered at that meeting.

32 Vacancies and substitutions on Council bodies and task groups

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

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

(b) communicated the name of the person nominated to the Chief Executive and/or the Democratic Services Office; and,

(c) the Member nominated under paragraph 32.1(b) is not precluded from being a member of that Council Body or Task Group by any rule of law or of the Council.

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

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

(b) The Democratic Services Officer must be notified in writing by the Member who will be absent or by the Leader of their political group. Unless the reason for the absence arises too late to permit this

(in which case the maximum notice possible must be given), this notification shall be given at least 24 hours before the meeting.

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

33 Duration of Council meetings

33.1 Unless the majority of Members present vote for the Meeting to continue, any Meeting that has lasted for 3 hours will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If they do not fix a date, the remaining business will be considered at the next ordinary Meeting.

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

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

34.1 Every Member of the Council shall have the right:

- (a) to attend any meeting of a Council body plus Informal Working Groups;
- (b) to speak at any meeting of a Council body plus Informal Working Groups, except, for the purposes of this Standing Order:
 - (i) The Licensing Committee, the Licensing and Appeals Board, Standards Committee Panel Hearings, Appointments Board Interviews and Investigatory and Disciplinary Committee Hearings
 - (ii) At Planning Committee only the Ward Member(s) for the relevant application/item can speak and/or, where appropriate, at the discretion of the Chair of the Planning Committee, other members
 - (iii)

provided that they shall, inform Democratic Services and the Chair before the Meeting commences of their intention to attend and/or speak save that in the case of Meetings of the Planning Committee, two days clear notice shall be given of any intention to speak on an application/item along with a brief summary of what they intend to say no later than two hours before the meeting commences of their intention to attend and to speak, as appropriate, specifying on what items they wish to be heard.

34.2 Any Member of the Council speaking at a meeting of a Council body, including Task Groups, under this Standing Order must, in any event, conclude what they wish to say in relation to the issue or issues under consideration prior to any decision being taken on that issue or issues.

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 together with any item on which they spoke.

34.4 For the purposes of this Standing Order the right to speak at:

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

35 Statutory appointments

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

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

36 Recording or broadcasting meetings

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

36.2 "Reporting" means

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

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

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

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

Extracts from the statutes

"*plan or strategy*" means—

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

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

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

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

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

(c) estimates of such a calculation; or

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

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

37.1 Where the Cabinet submits a:-

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

(b) any estimate or amount prescribed under Paragraph 6 of Part II of Schedule 2 to the regulations and the Council wishes to amend, approve or adopt the plan or strategy, or object to any estimate or amount, it must inform the Leader of the Council of any objections to the plan or strategy or estimate or amount.

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

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

38 Decisions by Cabinet Members

38.1 Wherever a decision is to be made by a Cabinet Member, a report must be produced in writing setting out all of the required information before any decision can be taken.

38.2 A copy of the report with a note must be sent to the Democratic Services Manager, Management Team and The Monitoring Officer, 5 clear days before the date on which the decisions is to be taken. The report will then be placed on the intranet/internet or otherwise made available to members of the Council and unless confidential or exempt to members of the public.

38.3 The Cabinet Member can either attend the Council Offices and make the decision on the given day, or may return the completed form, signed off, to the Head of Service responsible via the email system, a copy should also be sent to the Democratic Services Manager.

38.4 The decision may be wholly within the Cabinet Members decision making powers, or part of all may be a recommendation to Council. This must be made clear in the report. Recommendations to Council will then be placed on the next Council Agenda and moved by the Leader at Council.

38.5 A Cabinet Member may decide to refer the matter to a full meeting of Cabinet for decision. In which case the matter will be placed on the agenda of the next ordinary meeting of Cabinet.

38.6 Once a Cabinet Member has made a decision it will be placed on the intranet and made available for call-in in accordance with Standing Order 12. Members will be notified that a decision has been taken.

APPENDIX 1

DIAGRAM TO SHOW THE STAGES OF MOTION, AMENDMENT AND DECISION

(1) **MOTION** moved and seconded

↓

(2) **DEBATE ON MOTION**

↓ → → → **NO AMENDMENT** move to (6)

(3) **AMENDMENT** moved and seconded

↓

(4) **DEBATE ON AMENDMENT**

↓

when debate finishes

↓

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

↓

VOTE ON AMENDMENT

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

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

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

↓

(6) **DEBATE**

↓

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

↓

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

↓

IF CARRIED – DECISION

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

IF EQUALITY OF VOTES - NO DECISION

An amendment will not be valid if it is a direct negative or if it introduces a new issue unrelated to the terms of the motion.

Appendix B

Protocol for Reporting and Commentating on public Council Meetings Agreed at 27 November 2014 Council

I. Introduction.

(a). By virtue of the Openness of Local Government Bodies Regulations 2014 (“the Openness Regulations”), members of the public are entitled to report on meetings of the Council, the Executive and all other Committees and meetings to which the public have access.

(b). Reporting is not permitted where the public have been excluded from a particular meeting, or part of a meeting as permitted by law (for example to protect confidential information) and other restrictions apply to protect those individuals who do not wish to be recorded.

(c). For the purposes of the Openness Regulations, “reporting” means:

- filming, photographing or making an audio recording of the proceedings of the meeting.
- using any other means for enabling persons not present at the meeting to see or hear proceedings at a meeting as it takes place
- reporting or providing commentary on proceedings at a meeting orally or in writing, so that a report or commentary is available as the meeting takes place or later if the person is not present (note however that in accordance with paragraph 2.(d)(iii) below there is to be no **oral** reporting or commentary on a meeting as it takes place by a person present at the meeting).

(d). Any person attending a meeting (including Councillors) must, so far as is practicable, be afforded reasonable facilities for reporting and may use any communication method (eg the Internet), including social media sites such as Facebook or Twitter , to publish, post or otherwise share the results of their reporting activities. Subject to this Protocol, publication and dissemination may take place in the meeting or afterwards.

2. The Protocol.

The following Protocol sets out how reporting and commentating will be managed by the Borough Council of Kings Lynn and West Norfolk (“the Council”).

(a). Although there is no requirement so to do, it would be very helpful to the Council if persons wishing to record proceedings (or any part thereof) would notify the Councils Democratic Services Team (telephone number) in advance of the meeting. That will assist the Council to make reasonable arrangements to accommodate the requirements of those wishing to record.

(b). At the start of the meeting, the Chair will remind all present that recordings may be made in accordance with the Openness Regulations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



CONTRACT STANDING ORDERS

Under Section 135, Local Government Act 1972

November 2019

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Purpose and Scope

1. The Council is required by Section 135 of the Local Government Act 1972 to make standing orders in respect of contracts for the supply of goods and services or for the execution of works.
2. This Act requires that these Contract Standing Orders (CSO):-
 - a) **secure competition**; and
 - b) regulate the manner in which **tenders** are invited.
3. In addition, the Act allows for exemptions to these CSO.
4. Over and above the Act's requirements, these CSO incorporate Council standards for contracting conduct, specifically:-
 - a) that all contracts be able to demonstrate **value for money**;
 - b) requisite **behaviours** are shown in terms of integrity, fairness and exposure to risk; and
 - c) contracts support Corporate and Service **aims and policies**.
5. CSO apply to all contracts awarded by the Council or any wholly owned subsidiary companies for works, services and supplies irrespective of the source of funding. They equally apply to contracts awarded by any person, firm or body on behalf of the Council. Exceptions are those listed in 6 below.
6. CSO do not apply to contracts for the:
 - (a) lending or borrowing of money; or
 - (b) employment of an individual as a direct employee of the Council.
 - (c) artistic works or performances
7. These CSO are part of the Council's Constitution and must be complied with together with the Council's Financial Regulations. They should be read in conjunction with the Council's Procurement Strategy. They take precedence over the delegated powers of Members and Officers. **Non-compliance may result in disciplinary action.**

Securing Competition

Estimating Contract Values

8. Before advertising any contract, an Officer with appropriate budgetary authority must estimate its value. The value estimated will determine the appropriate procurement route to use whether this be under these CSO or EU Directives / Public Contracts Regulations.
9. The estimated contract value must not be calculated in a way that is designed to avoid exceeding threshold values whether these are CSO or EU thresholds.
10. Accurate estimation of the contract value is vital to obtaining competition as many Suppliers query the viability of overly low estimations.
11. For the purpose of these CSO, the value of a contract is the expected amount of money that will be received by the contracted person or organisation over the life of the contract and must take into account similar purchases from different Service areas across the Council. Where some of the funding is provided by another organisation, this funding must also be taken into account when estimating the contract value.

Demonstrating Value for Money

12. Every procurement process and contract must be designed to achieve Best Value for the Council.
13. In these CSO, Best Value means the optimum combination of whole-life costs and benefits to meet the Council's requirement. This should be illustrated in the split between price and quality evaluation criteria.
14. Before undertaking a new procurement process or awarding a new contract the appropriate Officer of the Senior Management Team or Lead Officer must establish whether the Council's requirement can be met through any existing contract, and ensure that the estimated value can be met from the appropriate budget (capital or revenue).

Officer Responsibilities

15. Before beginning a contract-letting process, the Officer **must**:
 - (a) appraise the need for the expenditure and its priority;
 - (b) ensure there is budgetary provision for the contract;
 - (c) define the objectives of the contract;
 - (d) identify whether there is an existing Framework Agreement that can be used;
 - (e) assess the risks associated with the contract and how to manage them;
 - (f) for contracts including design or architectural services, ensure compliance with CDM Regulations;
 - (g) in conjunction with the Corporate Procurement Unit select the most appropriate procurement method that is most likely to achieve the Council's objectives. This may include considering whether the procurement can be provided by the Council's own staff and resources although value for money considerations will still apply;
 - (h) consult users as appropriate about the proposed procurement method,

- contract standards, and also performance and user satisfaction monitoring;
- (i) consider the whole-life costs of the contract;
 - (j) ensure that evidence that the above has been undertaken is available to either the Monitoring Officer or auditors upon request.
 - (k) Where the contract contains an element of ICT, consult with the ICT Manager to determine whether the requirement is compatible with our current systems in place.
 - (l) Where the contract is for the provision of services and the value is above EU thresholds complete the Social Value Form (Appendix 9) and include its considerations in the procurement planning.
 - (m) Where the contract is for services or works, complete the Safeguarding Risk Assessment (Appendix 11) and take the appropriate action.
 - (n) For any type of contract, complete the Equality in Procurement Pro Forma (Appendix 12).
 - (o) For any contract that could potentially involve risks of data protection, complete a Data Protection Impact Assessment (DPIA) Screening Tool (Appendix 13).

Transfer of Undertakings (Protection of Employment) Regulations 2006

16. The Transfer of Undertakings (Protection of Employment) Regulations 2006, commonly known as the TUPE Regulations, should be presumed to apply in any procurement process involving the contracting out of a service area with a discrete budget and staff assigned to it. For the avoidance of doubt this will include any UK Legislation transcribing TUPE or equivalent into domestic legislation. The exception to this is if there are genuine exceptional reasons for TUPE not to apply. These could be where:
- A contract is for the provision of both goods and services, but the provision of services is ancillary in purpose to the provision of the goods.
 - The matter being contracted is essentially new or a one off project.
 - Services or goods are essentially a commodity bought "off the shelf" and no grouping of staff is specifically and permanently assigned to a common task.
 - The features of the service or function subject to the contracting exercise are significantly different from the features of the function previously performed within the Council, or by an existing supplier such as a function to be delivered electronically and in a way that requires radically different skills, experience and equipment.
17. Where appropriate Invitations to Tender must state that staff will transfer pursuant to TUPE and sufficient information should be provided to enable potential suppliers to cost the effect of TUPE applying and staff transferring to them. Human Resources will deal with the provision of the appropriate information as necessary. Advice on the applicability of TUPE and the clauses to be inserted in Invitations to Tender and contracts should be sought in the first instance from the Chief Financial Officer or the Council's Legal Officers.
18. TUPE should also be presumed to apply to a procurement process when an external contract is to be re-let where there are staff involved. Invitations to Tender should state that staff are to transfer pursuant to TUPE and information relating to pay, bonus payments, allowances, holiday entitlement and pension details should be obtained from the incumbent supplier to enable potential suppliers to cost the effect of staff transferring to them.

Advertising

19. Where the total value of the contract is less than £25,000 the Officer may identify potential Candidates using the most cost-effective and reasonable methods. This may include referring to advertising, catalogues, business directories, internet searches, proven track records, advice from Procurement etc.
20. Unless selecting candidates from a Framework Agreement, all contracts over £25,000 must be notified to the Corporate Procurement Unit to be published on the Council's eProcurement portal (Delta) and will then be advertised on Contracts Finder and on the Council's web-site.
21. Where the total value of the contract is greater than £25,000 and it is considered that suitable suppliers will be difficult to find then tenders may also be invited by means of an advertisement in one or more trade journals as the Executive Director considers appropriate.
22. For all contracts for more than £25,000, Officers must allow at least four weeks from the date of advertising until the deadline for the submission of tenders, or Standard Selection Questionnaires (SSQ) when the Restricted Procedure is used. If the contract value is over the relevant EU Threshold the EU regulation time limits apply as a minimum.
23. Guidance on the requirements for advertising in the OJEU are available from the Corporate Procurement Unit. Whenever a Contract Notice is placed in the OJEU, the information to be provided in any other publication must not exceed that placed in the OJEU. Under the Public Contracts Regulations 2015, when a Contract Notice is to be placed in the OJEU, no other advert may be placed until at least 48 hours after the despatch of the OJEU Notice. Provided the tender is managed via Delta this requirement will be managed automatically. ***N.B. if the UK leaves the EU it is expected that the OJEU advertising requirement will be replaced by a new UK national tender portal to be called National Tender Service (NTS).***

Framework Agreements

24. Framework Agreements are a formally-tendered arrangement where general terms and conditions are agreed that will apply to individual contracts let during the Framework period. The purpose of a framework is to provide a degree of flexibility and to avoid the need for repeated tenders of a similar nature.
25. As there are specific rules that need to be followed for Framework Agreements, all Frameworks must be let in conjunction with the Corporate Procurement Unit.
26. The Corporate Procurement Unit maintains a central record of internal Framework Agreements, and will monitor compliance with them. Where a Framework Agreement exists, all Council staff are required to obtain goods or services from the agreed contractor(s)/ supplier(s) on the terms and conditions contained in the Agreement.
27. Contracts based on existing Framework Agreements may be awarded by either:
 - 27.1. applying the terms laid down in the Agreement (where such terms are sufficiently precise to cover the particular call-off) to any or all of the suppliers specified within the Agreement without further competition; or

- 27.2. where the terms laid down in the Agreement are not sufficiently precise or complete for the particular call-off, by holding a further competition in accordance with the following procedure:-
- 27.2.1. inviting all those suppliers within the Agreement that are capable of undertaking the requirements of the contract to submit written quotations;
 - 27.2.2. fixing a time limit which is sufficiently long to allow quotations for each specific contract to be submitted, taking into account factors such as the complexity of the proposed contract;
 - 27.2.3. awarding each contract to the supplier who has submitted the best quotation on the basis of the award criteria set out in the original tender for the Framework Agreement.
28. Frameworks established by a Public Buying Organisation (PBO), such as ESPO or the Crown Commercial Service (CCS), are considered as a legitimate procurement route. Indeed, any framework established by a compliant tender procedure, which specified in the relevant OJEU Contract Notice that the framework would be open to our authority or a group of authorities of which we are a part, is a compliant procurement route.
29. To enable the PBO that established the framework to monitor its use, as they are required to do under Public Contracts Regulations, it is essential that we notify the “owner” of an external framework when we intend to use it. Some PBOs will require us to sign an Access Agreement prior to using their framework agreement.
30. Further Competitions conducted through Framework Agreements should be managed by the Corporate Procurement Unit using the Quick Call section of Delta.

Concession Contracts

31. In some instances it may be appropriate for the type of contractual agreement to be a concession. This is where the company we are contracting with are permitted to run and exploit the works or services that they are asked to carry out, therefore reducing both the Council’s costs and risks. An example of this is having a company host a Local Lottery on behalf of the Council.
32. The Procurement threshold for a concessionary contract to be openly advertised under the Concessions Contracts Regulations 2016 is £4,733,252 as from the 1st of January 2020. If the requirement is under this threshold it is still advisable for the Client Officer to approach multiple companies in the hope of achieving the best value possible.

Disposals

33. Where the disposal of a Council asset is required the Officer must demonstrate that best value is obtained for the asset(s) involved. The use of a public auction is the preferred method.

Inviting Tenders

34. Where the total value of a purchase is within the values in the first column below, the award procedure in the second column must be followed. At any time, Portfolio Holders may oversee and scrutinise any part of the quotation or tender process. The numbers stated are the minimum requirement. Lower value contracts may be advertised when the Officer has difficulty finding enough suitable Contractors.

Total Value	Advertising Process	Award Procedure
Up to £5,000	At least one written or electronic quotation. If price is obtained by a catalogue or website, evidence of this price must be recorded and retained.	Officer and, if desired, the relevant Executive Director.
£5,000.01-£25,000	At least three written or electronic quotations against a formal specification (see Request For Quotations below)	Officer and, if desired, the relevant Executive Director. Quotes are to be approved by the Procurement Team, before award the Procurement Team may request for additional Quotes
£25,000.01-£100,000	Tender conducted via Delta and advertised on both the Council's web site and on Contracts Finder.	Opened on Delta with an Officer with appropriate authority within the register of officer financial authorisation levels, the relevant Executive Director or a nominated deputy and evaluate together with a member of the Procurement Team.
Above £100,000	Contract advertised as above.	Opened on Delta with the Monitoring Officer or nominated Deputy present and evaluated by the Officer and appropriate Executive Director together with the Procurement Team.
Above EU Threshold	Contract advertised as above and a Contract Notice placed in OJEU.	Opened on Delta with the Monitoring Officer or nominated Deputy present and evaluated by the Officer and appropriate Executive Director together with the Procurement Team.

35. Where it can be demonstrated that there are insufficient suitably qualified candidates to meet the competition requirement outlined in the above table, all known suitably qualified candidates must be invited.

36. Where the total value exceeds the EU Threshold, the Officer must consult the Corporate Procurement Unit to determine the appropriate EU Procedure to conduct the purchase and the time-scales involved.

Pre-Selection or Short-listing

37. The use of Pre-Qualification Questionnaires is now prohibited. They have been replaced by the SSQ which is a standardised Government document in order to reduce red tape for SMEs. In most cases, the “Open” Tender procedure must be used to encourage fair and healthy competition.

Request For Quotation

38. The Request For Quotation (RFQ) must state that the Council is not bound to accept any quotation.
39. The RFQ must include the criteria that will be used for the evaluation of quotations and for making the contract award decision. In some cases the criteria will be a mix of price and quality factors. Whenever possible whole life costs of the contract should be evaluated rather than simply any initial capital outlay. Quality criteria must be as objective as possible and the RFQ must be clear about how each criterion will be measured.
40. The RFQ must include a specification as per CSO 49 – 52.
41. All candidates invited to quote must be issued with the same information at the same time and subject to the same conditions.
42. The RFQ must include a Quotation Response Form and a deadline must be provided for the completed form and other tender details to be returned by email to the Officer (A Template RFQ is provided at Appendix 14).

Invitation to Tender

43. The Invitation to Tender (ITT) must state that the Council is not bound to accept any tender.
44. The ITT must include the criteria that will be used for the evaluation of tenders and for making the contract award decision. In most cases the criteria will be a mix of price and quality factors. Whenever possible whole life costs of the contract should be evaluated rather than simply any initial capital outlay. Quality criteria must be as objective as possible and the ITT must be clear about how each criterion will be measured. Unless there is a fixed budget / price for the contract, price must account for a minimum of 30% of the evaluation. On services or works contracts the price criterion **should not** account for more than 70% of the evaluation.
45. The ITT must include a specification as per CSO 49 – 52.
46. All candidates invited to tender must be issued with the same information at the same time and subject to the same conditions. The ITT must provide a contact point for site visits where appropriate and care must be taken during any site visits or other direct contact with candidates to ensure that no information is provided verbally that is not provided to all candidates. All queries must be submitted through the Delta Message

Centre to allow the Procurement Team to liaise with client departments to provide suitable responses and then distribute those responses to all interested parties simultaneously.

47. The ITT must provide details of how to submit their Tender Responses via Delta. Any other type of Tender submission will be treated as invalid.

48. The ITT shall include the following:-

For all formal quotations over £5,000, candidates must sign the Non-Collusion/ Prevention of Corruption Certificate (As found in Appendix 14 – Page 50)	
Contracts between £25,000 and £100,000	Contracts over £100,000
Must state the award criteria in objective terms, in descending order of importance and, provide precise weightings.	Must state the award criteria in objective terms, in descending order of importance and, provide precise weightings.
Must include a Tender Response Form, and a Non-Collusion/ Prevention of Corruption Certificate.	Must include a Tender Response Form, and a Non-Collusion/ Prevention of Corruption Certificate.
Must include a warning regarding the Freedom of Information Act.	Must include a warning regarding the Freedom of Information Act.
Must either include the contract terms or state that a Purchase Order will be issued that will be subject to the Council's standard Conditions of Purchase available on the Council's website.	Must include the contract terms, or state that an industry standard contract such as JCT for building works, will be used.
Must include a warning that the Council will publish details of all payments over £500 and all contracts or purchase orders over £5,000 on its website.	Must include a warning that the Council will publish details of all payments over £500 and all contracts or purchase orders over £5,000 on its website.

Specifications

49. The specification must be fully prepared before the contract opportunity is advertised on Delta and appropriate technical advice must be obtained, when necessary, to ensure that the specification is clear and unambiguous.

50. A specification's purpose is to present prospective suppliers with an accurate and full description of the Council's needs and enable them to submit a tender that satisfies the Council's requirements. If a specification is unclear it can cause numerous queries to be raised during the tender process which can lead to the tender deadline having to be extended.

51. The requirements in the specification subsequently become incorporated in the contract with the successful supplier.

52. Specifications must not be discriminatory; distort potential competition or consist of non-commercial matters. Specific products, sources or processes must not be specified unless, below EU Thresholds and with agreement from the relevant Executive Director, it is deemed to be advantageous to do so in order to satisfy the Council's needs. Wherever appropriate, a non-discriminatory quality standard should be specified.

Submission of Tenders

53. There is a proscribed procedure for the submission, receipt and opening of tenders which can be found in Appendix 2 and which must be followed at all times.

Evaluation, Post-tender Negotiations and Contract Award

54. Appendix 2 also describes the procedure to be followed for evaluation of tenders, post-tender negotiations and contract award.

Exemptions

55. Exemptions from these Standing Orders are provided for in the Constitution. An exemption allows a contract to be placed by direct negotiation with one or more suppliers. Exemptions may be granted if they fall within one of the following categories:-
- 55.1. The work to be executed or the goods or services to be supplied constitute the first valid extension of an existing contract, which has been procured through a compliant tender exercise, provided that such an extension has received the necessary budget approval and does not exceed the value of the original contract or the next value threshold. Contracts must not be extended where the total value will exceed the EU Threshold unless originally tendered via an EU procedure and allowed for in the scope published in the original OJEU Contract Notice;
 - 55.2. The work to be executed or the goods or services to be supplied consist of repairs to, or parts for, existing proprietary machinery, where such repairs or parts are specific to that machinery OR upgrades to existing software packages;
 - 55.3. Works, supplies or services are urgently needed for the immediate protection of life or property, or to maintain the immediate functioning of a public service for which the Council is responsible. In such cases the contract must only last as long as is reasonably necessary to deal with the specific emergency;
 - 55.4. The Executive Director decides that special circumstances make it appropriate and beneficial to negotiate with a single firm or that a single tender be invited. This will include occasions when it can be established that there is only a single source available or where the Executive Director or his/her designate can demonstrate that best value for the Authority can be better achieved by not tendering.
 - 55.5. Legal services
56. Exemptions under these CSO **cannot** be granted if the EU Procedure applies. However, if you consider that there are legitimate reasons to defer a tender that is over the EU threshold then guidance must be obtained from the Monitoring Officer.
57. All exemptions, and the reasons for them, must be recorded using the form in Appendix 8. Exemptions shall be signed by the Officer's Executive Director and approved in writing by a Procurement Officer and by the Monitoring Officer.
58. The Monitoring Officer has the power to make technical amendments from time to time to make these CSO consistent with legal requirements, changes in Council structures and personnel and best practice, after consulting the Section 151 Officer, the Internal Audit Manager and the Corporate Procurement Unit.

Further Advice and Officer Responsibilities:

59. FURTHER ADVICE

Monitoring Officer:	Emma Duncan	01553 616270
Corporate Health & Safety Team:	Vicki Hopps	01553 616307
	Danielle Barrett	01553 616408
	Philippa Smith	01553 616333

CorporateHealthandSafety@West-Norfolk.gov.uk

Procurement Officers:	Tony Hague	01553 616791
	Allen Scholes	01553 616248
	James Hawes (Trainee)	01553 616538

procurementtenders@west-norfolk.gov.uk

60. OFFICER RESPONSIBILITIES

60.1. Officers

- a) The Officer responsible for purchasing or disposal must comply with these CSO, Financial Regulations and with all UK and European Union legal requirements.
- b) The Officer must keep the records demonstrating compliance with 60.1(a) above.
- c) Tender procedures must be conducted in accordance with CSO 34 – 54.
- d) Officers must ensure that agents or Consultants acting on behalf of the Council also comply with the requirements of these CSO. Such agents or Consultants must not make any decision as to whether to award a contract or whom a contract should be awarded to, they must only act in an advisory role when evaluating Tenders.
- e) Officers must take all necessary legal, financial and professional advice, including advice from the Corporate Procurement Unit.
- f) Officers must complete all Pro Formas included within Appendices 9, 11, 12 and 13 (if all are appropriate) before their tender requirement is considered.
- g) Consider whether and, if so, in what form it might be prudent to obtain a formal guarantee or warranty from the contractor.
- h) For contracts between £5,000 and £25,000, obtain approval from the Corporate Procurement Unit before awarding the contract.

60.2. Executive Directors

Executive Directors must:

- (a) ensure that their staff comply with these CSO.
- (b) keep a **register** of:
 - Tenders received for contracts valued between £25,000 and £100,000.
 - Exemptions recorded under Standing Order 55.

60.3. Further details about roles and responsibilities can be found in Appendix 10.

Appendix 1: Definitions

- "Candidate" - Any person or company who asks or is invited to submit a quotation or tender.
- "Code of Conduct" - Either the code regulating conduct of officers issued by the Chief Executive or Executive Director, Central Services or the Code of Conduct for Members as defined in the Council's Constitution.
- "Consultant" - Someone employed for a specific length of time to work to a defined project brief with clear outcomes to be delivered, who brings specialist skills or knowledge to the role, and where the Council has no ready access to the skills, experience or capacity to undertake the work.
Where a person is employed on a temporary employment contract via Personnel Services or is employed via an Agency, such a person would NOT normally be considered to be a Consultant for the purposes of Contract Standing Orders, but will be considered to be an Officer if the work they do concerns part or all of the contracting process.
- "Contracting Decision" - Any of the following decisions:
 - short-listing
 - award of contract
 - any decision to terminate a contract.
- "Council's Standard Contractual Terms" - A standard form of written contract (available from the Corporate Procurement Unit) or any other written contract approved by the Monitoring Officer. The terms will usually include: -
 - when the Council will have the right to terminate the contract;
 - that the contract is subject to the law as to prevention of collusion and corruption
 - any insurance requirements
 - data protection requirements (if relevant);
 - where agents are used to let or manage contracts, that agents must comply with the Council's Contract Standing Orders relating to contracts, as well as the Council's Financial Regulations;
 - a right of access to relevant documentation and records of the contractor for monitoring and audit purposes (if relevant).
 - details of whether variations to the specification are permitted;
 - that the contractor may not assign or sub-contract without prior written consent
 - The requirement for Contractors to pay Subcontractors within 30 days.
- "Delta" - The Council's eProcurement portal, used for all Tenders and Framework further competitions. All correspondence relating to each Tender or further competition must be sent via Delta so that a complete audit trail is maintained in the system.

- "EU Procedure" - The procedure required by the European Union procurement directives where the total value exceeds the EU Threshold. There are essentially five main means of seeking tenders using the EU Procedure: Open; Restricted; Competitive Procedure with Negotiation; Competitive Dialogue and Innovation Partnership. Guidance as to the different time-scales and procedures involved should be obtained from the Corporate Procurement Unit. If the UK leaves the EU it is expected that EU procedures will be replaced by very similar Government Procurement Agreement (GPA) and/or World Trade Organisation (WTO) rules.
- "EU Threshold" - The contract values at which European Union public procurement directives must be applied are currently £189,330 for the supply of goods or services and £4,733,252 for works contracts (NB figures are from 1 January 2020 and normally change every two years). If in doubt as to which threshold is appropriate or for more up to date thresholds, consult the Corporate Procurement Unit or the Monitoring Officer.
- "Irregular Tender" - A tender that is submitted in a manner that does not comply with the requirements specified in the ITT.
- "Monitoring Officer" - The designated Monitoring Officer, as defined in the Constitution. Currently the Legal Services Manager.
- "Non-Commercial Considerations":
- (a) any involvement of the business activities or interests of contractors with irrelevant fields of Government policy;
 - (b) the conduct of contractors or workers in industrial disputes between them or any involvement of the business activities of contractors in industrial disputes between other persons ("industrial disputes");
 - (c) the country or territory of origin of supplies to, or the location in any country or territory of the business activities or interests of, contractors;
 - (d) any political, industrial or sectarian affiliations or interests of contractors or their directors, partners or employees;
 - (e) financial support or lack of financial support by contractors for any institution to or from which the authority gives or withholds support;
 - (f) use or non-use by contractors of any technical or professional services provided by the Authority.
- "Officer" - The officer designated by the relevant Executive Director to deal with the contract in question. A contractor or any person, whether an employee of the Council or not (e.g. an appointed Consultant or agent) who has been designated to manage or supervise, in whatever capacity, on behalf of the Council, is deemed to be an Officer for the purposes of these Contract Standing Orders.
- "OJEU" - An abbreviation of the Official Journal of the European Union which is the advertising medium for the EU. Advertisements, or "Contract Notices" are placed in the publication each day, including weekends. In addition Contract Award Notices are published to inform interested parties of the details of the contract's award. If the UK leaves the EU, it is expected that OJEU will be replaced by a new national tender portal.

- "Open Procedure" - All candidates responding to the advertisement are invited to tender.
- "Parent Company Guarantee" - A contract which binds the parent of a subsidiary company as follows: If the subsidiary company fails to do what it has promised under a contract with the Council, the Council can require the parent company to do so instead.
- "Performance Bond" - An insurance policy: if the contractor does not do what it has promised under a contract with the Council, the Council can claim from the insurer the sum of money specified in the Bond (often 10% of the contract value). A Bond is intended to protect the Council against additional costs arising from the contractor's failure.
- "Preferred Bidder" - A participant in a tender exercise that comes top in the initial evaluation of the tenders. Further clarification of tender details or checks on the candidate's financial, health & safety or insurance position may be necessary prior to a contract award decision being confirmed.
- "Public Buying Organisations" - Network of public sector organisations that collectively procure framework agreements for the procurement of goods or services. For example, Crown Commercial Services, Eastern Shires Purchasing Organisation, Central Buying Consortium and Yorkshire Purchasing Organisation. Where appropriate, EU regulations must have been complied with by the Public Buying Organisation concerned and such bodies are themselves bound by EU Procedures in terms of their own procurement.
- "Quotation" - A written quotation of price and any other relevant matter for contracts valued at less than £25,000. They can be submitted in an informal manner such as a letter or email and can be received and opened by the Officer and, if appropriate, their Executive Director.
- "Record Book" - The log kept by the Executive Director to record details of tenders up to £100,000 relating to his or her service areas
- "Restricted Procedure" - Candidates responding to the advertisement are invited to complete and submit a Standard Selection Questionnaire and a "restricted" short-list is then created based on the evaluation of the questionnaire responses.
- "Section 151 Officer" - The designated Chief Finance Officer with legal responsibility for the Council's finances and providing financial advice to the Council.
- "Tender Record Book" - The log kept by the Monitoring Officer to record details of tenders over £100,000.

Appendix 2: Tender Processes

SUBMISSION, RECEIPT AND OPENING OF TENDERS

1. Candidates invited to respond must be given an adequate period in which to prepare and submit a proper tender, consistent with the urgency of the contract requirement. At least **four weeks** must be allowed for submission of tenders, therefore please bear this in mind when preparing the tender documentation. The EU Regulations lay down specific time periods depending upon which EU Procedure is used. If in doubt, consult the Corporate Procurement Unit. All candidates must be advised of the deadline date and time. This must be the same for all candidates for a contract.
2. All Tenders for any contract must be submitted via Delta. Any that are not submitted in this manner will be deemed as Irregular Tenders.
3. Where a tender has been received which is an Irregular tender, the Officer shall, before opening any of the tenders, submit a report to the Executive Director and the Monitoring Officer, giving details of the Irregular tender. If, having considered that report, the Executive Director and the Monitoring Officer both consider that the candidate submitting the Irregular tender has gained no advantage from its irregularity, they may determine to accept it. In this case, they may authorise that it be opened and evaluated together with any other tenders in accordance with Standing Orders 47 and 48. The Executive Director and the Monitoring Officer shall record in writing the reasons why each Irregular tender has been accepted or rejected and sign and date the record in either the Executive Director's, or Legal Services' Tender Record Book or as appropriate for the contract
4. No tender shall be opened until after the date and time appointed for the receipt of tenders for the proposed contract. Tenders must be opened at the same time, in the presence of at least two officers.
 - 4.1. For tenders up to £100,000 the two officers must be designated for the purpose by the Executive Director responsible for the contract to which the tender relates.
 - 4.2. For tenders over £100,000 the opening must be witnessed by the Executive Director responsible for the contract, to which the tender relates, and the Monitoring Officer or their nominated deputies.
5. Where tenders have been invited for any proposed contract that has been estimated to exceed £100,000, the relevant Portfolio Holder or their nominated representative must be invited to the tender opening.
6. Immediately upon the opening of tenders up to £100,000:
 - 6.1. The name of each person or firm from whom a tender has been submitted and the amount thereof must be entered in the Record Book. Each contract should be recorded on a separate page, with a heading briefly describing the proposed contract to which the tender relates;
 - 6.2. The relevant page in the Record Book will be ruled off below the last tender entered and the page signed by both of the nominated officers;
7. Immediately upon the opening of tenders over £100,000:
 - 7.1. The name of each person or firm from whom a tender has been submitted and the amount thereof must be entered in the Tender Record Book. Each contract should be recorded on a separate page, with a heading briefly describing the proposed contract to which the tender relates;
 - 7.2. The relevant page in the Tender Record Book will be ruled off below the last tender entered and the page signed by the two officers and countersigned by the relevant

Portfolio Holder, whenever the Portfolio Holder is present at the tender opening.

8. If documents are found to be missing from a tender submission, the appropriate candidate should be contacted and afforded the opportunity to submit the missing information via the Delta Message Centre within 48 hours of the tender being opened. Any candidate who then fails to supply the required information can be rejected on the grounds that they have failed to comply with the requirements of the specification.
9. If there appears to be an error or omission in a bid or supporting information, the candidate must be invited to confirm or withdraw the bid. Where the error relates to the tendered total sum as calculated from the submitted rates and variable quantities, the bid will be regarded as the total bid and the rate adjusted accordingly. The candidate will be invited to confirm or withdraw the bid and resulting rate. This is to ensure that the subsequent evaluations or Post-Tender Negotiations are undertaken on the basis that initial bids have been submitted on an even basis and to the same specification (but see paragraph 10 below).

CLARIFICATION PROCEDURES

10. After opening the quotation or tender submissions, it may be apparent that one or more of the companies that have submitted bids has misinterpreted the specification. If it is clear that this was as a result of an error or ambiguity in the specification, the Monitoring Officer must be consulted as to whether all contractors should be provided with a revised specification that identifies and corrects the error or ambiguity and provides them with the opportunity to amend their bid.

EVALUATION, POST-TENDER NEGOTIATIONS AND CONTRACT AWARD

Evaluations

11. Confidentiality of tenders and the identity of candidates must be preserved at all times. Information about one candidate's response must not be given to another candidate. This includes the situation where one part of the Council is a candidate that is being considered for a contract by another part of the Council. In such an eventuality, the two sides of the process must be clearly divided between candidate and client, with no advantage being passed to the internal candidate, in order to be able to demonstrate that the contract has been let on purely objective criteria.
12. Contracts must be evaluated and awarded in accordance with the award criteria notified in the ITT. The decision as to which contractor is successful must be made by an Executive Director or his nominated deputy. When required by the Council's Constitution, the relevant Portfolio Holder must be involved in the award decision.
13. If a presentation or interview is to be part of the evaluation process then the guidelines found in Appendix 3 should be followed.

Post-Tender Negotiations

14. Post-tender negotiation means negotiations with any candidate after submission of a tender and before the award of the contract with a view to obtaining an adjustment in price, delivery or content. It must not be conducted in an EU Procedure where this might distort competition particularly with regard to price, except where the EU Procedure permits this. For contracts being let using an EU Procedure, post-tender negotiations must not be conducted without the prior approval, in writing (email), of the Monitoring Officer.

15. Where post-tender negotiation results in a fundamental change to the specification, or the contract terms, the contract must not be awarded but must be re-tendered.
16. Post-tender negotiations must be conducted by a Procurement Officer, together with a representative nominated by the Executive Director responsible for the contract area.
17. Detailed notes must be kept of the meetings and these notes must be capable of being incorporated into the contract, to clarify what was meant in the specification.
18. Post-tender negotiation must only be conducted in accordance with the guidance set out in paragraphs 14 – 17 above.

Contract Award

19. All candidates must be notified simultaneously, and as soon as possible, of any contracting decision. For contracts where the total value exceeds £25,000:
 - 19.1. The notification must be in writing, via the Delta Message Centre
 - 19.2. In all cases the following information should be given to unsuccessful candidates:
 - 19.2.1. their overall score
 - 19.2.2. the name and overall score of the successful candidate
 - 19.2.3. the approximate value of the contract
 - 19.2.4. their score for the individual criteria used in the evaluation
 - 19.2.5. the score of the successful candidate for the individual criteria used in the evaluation
 - 19.2.6. the reasons for the individual scores
 - 19.3. It is good practice to provide Suppliers with the information in 19.2 above in all cases regardless of contract value.
 - 19.4. Unless authorised by the Monitoring Officer, no further information should be given to unsuccessful candidates.
20. For all contracts let using an EU Procedure, a statutory standstill period of at least 10 days must be provided for between communicating the contract award decision and the successful contractor signing the contract, in order to allow the decision to be challenged by unsuccessful candidates.

Retention of Documents

21. Where the Total Value is below EU Thresholds, the following documents must be kept (these documents may be stored in electronic format):-
 - 21.1. any relevant Exemption Forms;
 - 21.2. a copy of the advertisements placed on the Council's website and on "Contracts Finder";
 - 21.3. the Request for Quotation or Invitation to Tender, including the Specification and the Award Criteria;
 - 21.4. all quotations or tenders received;
 - 21.5. details of the evaluation of the quotations or tenders, demonstrating reasons if the lowest price is not accepted;
 - 21.6. minutes of any clarification or post-tender negotiation meetings;
 - 21.7. written records of communications with the successful contractor or an electronic record if a written record of the transaction would not normally be produced.
 - 21.8. A copy of the Contract Award Notice, if openly advertised.

22. Where the Total Value exceeds EU Thresholds the following documents must be kept, in addition to those listed in paragraph 21 above: -
 - 22.1. a copy of the OJEU Contract Notice;
 - 22.2. a copy of the Social Value Form (for services contracts)
 - 22.3. a copy of the OJEU Contract Award Notice

23. Records required must be kept in accordance with the Council's Retention Policy.

Appendix 3: Presentations and Interviews as Part of the Selection Process

If a formal interview or presentation is to be sought from some or all the candidates:

- (a) Careful consideration needs to be given as to how the interview or presentation process will benefit and be incorporated into the evaluation methodology. Ordinarily a presentation stage should be explained in the ITT.
- (b) Consideration needs to be given as to how (or if) new information, not previously presented by the candidates, is to be incorporated into the evaluation model. The ITT must clearly state whether the presentation will account for a defined part of the evaluation scoring by itself or, whether information from the presentation may be used to modify initial scoring based solely on the written tender.
- (c) All candidates must be given **at least** a week's notice if they will be required to interview so please bear this in mind when timetabling your Tender requirement.
- (d) If the interview panel is to comprise Members, the Members concerned should be involved in the process of deciding upon the information required from the candidates involved. Careful consideration of the questions, and who is to put them to the Candidates involved is required.
- (e) Normally, at least two candidates should be invited to make presentations or attend interviews. If after the initial evaluation of tenders, it is decided not to interview some of the candidates, the unsuccessful candidates must be notified at the same time that those selected are invited.
- (f) They must be held before the contract is awarded.

Appendix 4: Insurances

Introduction

1. This Appendix gives guidance to staff when requesting insurance details in the SSQ.

The risks involved in a contract

2. The level of insurance should relate to the risks of the contract. The risks are the likelihood of an incident happening and the potential impact. The table below is intended as a guide to assessing the likely impact:

IMPACT		
	Property	People
High	Value of building and/ or assets are in excess of £5m and damage could affect more than 25% of the building or assets.	and/ or More than 5 people (members of the public and / or staff) would be put at risk of death or major injury.
Medium	Value of building and/ or assets are in excess of £2m and damage could affect more than 25% of the building or assets.	and/ or More than 2 people (members of the public and / or staff) would be put at risk of serious injury.
Low	Value of building and/or assets are in excess of £1m and damage could affect more than 25% of the building or assets.	and/ or One or no persons (members of the public and / or staff) would be put at risk of serious injury.
Trivial	Value of building and/ or assets are less than £1m.	and/ or No-one, other than the contractor, could reasonably be expected to be put at risk of injury.

The appropriate level of insurance

3. For Public Liability, the normal insurance that is required is £5m but contractors sometimes ask if a lower level is acceptable.
4. For Employer's liability it is a legal requirement for Contractors to have cover of £5m and a higher level of insurance should be considered for large contracts.
5. £10m may be required for larger projects such as major construction works.

6. Professional Indemnity cover should be requested from Architects or other Consultants providing professional advice or Contractors responsible for any element of design.
7. Using the simple risk matrix shown below the appropriate level of insurance can be decided:

		Likelihood		
		Remote	Unlikely	Could happen
I M P A C T	High	£5 million	£5 million	£10 million
	Medium	£2 million	£5 million	£5 million
	Low	£2 million	£2 million	£5 million
	Trivial	£1 million	£2 million	£5 million

Practical guidance

8. The usual contractor's insurance will be £5m. However where Executive Directors consider the risk to be high they should consult with the Accountant responsible for insurance to decide which level is appropriate taking into account the risk, likelihood and impact. If the Executive Director considers the risk to be low and warrants a reduced insurance level (£2 million or less), this will need to be agreed with the Accountant responsible for insurance.
9. The Executive Director and the Accountant will consider:
 - 9.1. Whether the proposed value of cover is appropriate
 - 9.2. The insurance is valid for the dates of the contract
 - 9.3. Any exclusions from the policy that might cause concern are considered
10. In the event of any dispute on the level of insurance to be taken, the final decision will rest with the Section 151 Officer.
11. The decision as to the level of insurance required needs to be taken early in the contract-letting process, in order to ensure that the subsequent documentation (e.g. SSQ, draft/specimen contracts) is consistent and refers to the agreed limit, as this may affect the prices included within the contract.

Appendix 5: Contract and Other Formalities

CONTRACT DOCUMENTS

1. Every purchase must have either an Official Order, created through the Council's POP system, or the Council's standard Form of Contract. For contracts with a total value over £100,000 a formal contract must be used and must be sealed and signed by the Monitoring Officer.
2. Procedural and legal advice of the Monitoring Officer must be sought for the following contracts:
 - (a) those involving leasing arrangements;
 - (b) those which are complex in any other way;
 - (c) when it is proposed to use the supplier's own terms or conditions.

Contract formalities

3. Contracts shall be completed as follows:

<u>Total Value</u>	<u>Method of Completion</u>	<u>By</u>
Up to £100,000	Evidenced in writing as described in 1 above	POP order authorised at the level appropriate to the value or, formal contract signed by the relevant Executive Director or by the Monitoring Officer.
Above £100,000, or below this amount if required by the Monitoring Officer.	In writing under seal	See below

4. For all contracts, no contractor or Consultant will commence work on a contract until they have met the following conditions, unless agreed otherwise in writing by the Monitoring Officer:-
 - 4.1. the contract has been concluded formally in writing in a form approved by the Monitoring Officer, except in exceptional circumstances, and then only with the written consent of the Monitoring Officer;
 - 4.2. Where relevant or required for the contract, the Monitoring Officer has received a Parent Company Guarantee or Performance Bond and Deed of Warranties in a form approved by the Monitoring Officer;
 - 4.3. The Monitoring Officer has received proof that the contractor has the necessary insurance cover;
 - 4.4. The Officer has obtained approval of the Contractor's Health and Safety Policy & Procedures from the Council's Corporate Health & Safety Team.
 - 4.5. Note: A Preferred Bidder letter or letter of intent is not considered to be a contract for the purpose of this clause. Such letters must state that their content does not amount to a formal acceptance of the tender and that there is no intention to create a legal relationship pending the execution of the formal contract. The letter must be approved by the Monitoring Officer.

Signature

4.6. The Monitoring Officer must ensure that the person signing for the other contracting party has the authority to bind it.

Sealing

4.7. Where contracts are completed by the Council adding their formal seal, the fixing of the seal must be witnessed by or on behalf of the Monitoring Officer or the Executive Director for Central Services, or otherwise in accordance with the Council's Scheme of Delegation. Every Council sealing will be consecutively numbered, recorded and signed by the person witnessing the seal. The seal must not be affixed without the authority of Cabinet, the Portfolio Holder or an Executive Director acting under delegated powers. A contract must be sealed where:

4.7.1. the Council may wish to enforce the contract more than six years after its end; or

4.7.2. the total value exceeds £100,000; or

4.7.3. the Monitoring Officer or Procurement Team requires that the contract needs to be sealed, where the amount is less than £100,000.

PERFORMANCE BONDS AND PARENT COMPANY GUARANTEES

4.8. The Officer must consult with the Section 151 Officer and the Monitoring Officer in respect of all tenders where the total value exceeds £1,000,000 as to whether a Performance Bond and/ or Parent Company Guarantee or other similar security is required.

4.9. A record must be kept of the decision made after the consultation referred to in 4.8 above.

PREVENTION OF CORRUPTION

4.10. The Officer must comply with the Code of Conduct and must not invite or accept any gift or reward in respect of the award or performance of any contract. Council members must comply with the Councillors' Code of Conduct.

4.10.1. High standards of conduct are obligatory. Corrupt behaviour will lead to dismissal or removal from office and is a criminal offence.

4.10.2. If any Officer or elected Member of the Council, who is involved in any way with a procurement process, has an interest themselves or has a close family member who has an interest in a candidate for the Contract which is the subject of that procurement they must declare the interest in writing to the relevant Executive Director.

4.10.3. Attention is drawn to the Council's Whistle-blowing Policy, which is incorporated into the Staff Handbook and is available on the Council's website and Intranet and applies to all staff, Members, contractors and consultants.

4.10.4. Officers and Members must be aware of the Bribery Act 2010, which introduced four offences of bribery as detailed in Section 2.2 of the Anti-Fraud and Anti-Corruption Strategy.

4.11. All Candidates for any contract with a total value greater than £5,000 must sign the Council's standard Non-Collusion and Prevention of Corruption Certificate when submitting either a quotation or a tender, which can be found in Appendix 13.

4.12. The Non-Collusion and Prevention of Corruption Certificate must be appended to any formal contract and form part of the "contract documents".

Appendix 6: Contract Management, Monitoring and Evaluation

1. During the life of the contract the designated Officer must actively manage and monitor the contract/ contractor in respect of:
 - 1.1. performance
 - 1.2. compliance with the Specification and contract
 - 1.3. cost
 - 1.4. any requirements to improve Value for Money
 - 1.5. user satisfaction
 - 1.6. risk management including up to date site specific RAMS and insurance details
 - 1.7. and in accordance with any corporate guidance.
2. Where the total value of the contract exceeds £100,000 the designated Officer must produce a written Contract Management Plan covering, as a minimum, routine information flows between the Council and the Contractor, the frequency of operational and formal review meetings and the attendees for those meetings, Key Performance Indicators (KPIs) and the target levels for those KPIs.
3. Minutes should be kept of all contract review meetings along with a report of recent KPI levels. Particular attention should be given to any failure to fulfil the specification and, where default procedures are provided in the contract these should be used to encourage prompt rectification of service or quality failures.
4. In the case of long-term contracts the Officer must manage contract development. This may be changes to service requirements, working with the contractor to reduce costs or improve value for money or other amendments.
5. Where the total value of the contract exceeds £250,000, the Officer must make a written report evaluating the extent to which the purchasing need and the contract objectives were met by the contract and the contracting processes (including the application of these CSO). This should normally be done when the contract is completed and will provide feedback to officers and Members as to the success or otherwise of the contract and the contracting processes.
6. Where the contract is to be re-let, a provisional report should also be available early enough to inform the approach to letting the subsequent contract. Consideration should be given to necessary changes to the specification for the next contract and possible changes to the contract award criteria.
7. The Officer should aim, where practicable, to ensure that payments made by the principal contractor to sub-contractors are made on time. (NB It is a legal requirement that all Council contracts include a clause requiring sub-contractors to be paid within 30 days).

Appendix 7: Land and Property Transactions

1. This applies to acquisitions and disposals of property and land and to leases for a fixed term of more than seven years.
 - 1.1. All valuations and negotiations in respect of transactions shall be carried out under the supervision of the Property Services Manager or a properly qualified Member of the Royal Institution of Chartered Surveyors or equivalent appointed by the Council.
 - 1.2. All valuations prepared for the purpose of a transaction must be accompanied by evidence of the values of comparable properties in the locality.

Acquisitions

2. No freehold or leasehold interest in land may be negotiated or acquired until an Officer with delegated powers as defined in the Council's Scheme of Delegation has obtained:
 - 2.1. A description of the property or land;
 - 2.2. Any information which may affect the value of the property or land including, where appropriate, reports of structural or potential contamination;
 - 2.3. The proposed purchase price or rent level, supported by any relevant evidence of comparable transactions;
 - 2.4. Any other terms and conditions.

Disposals

3. Except as provided under paragraph 4 below land or buildings owned by the Council shall not be leased or sold other than on terms approved by persons with delegated powers as defined in the Council's Scheme of Delegation, setting out as appropriate in any particular case:
 - 3.1. an inspection report describing the property or land and its physical characteristics and development constraints;
 - 3.2. a report on title by the Monitoring Officer;
 - 3.3. any information from the Council's records or those of statutory undertakers which would affect the property or land's value or development potential, including any information concerning contamination or possible contamination resulting from the previous use of the land;
 - 3.4. an assessment of the potential for the use of the site or property by the Council;
 - 3.5. an assessment of the development potential of the property or land by the appropriate Council Planning Officer;
 - 3.6. an assessment of the value of the land or property being sold and a comparison between the assessed value and the price being sought from the potential purchaser, including details of any consideration, land exchange, or other pertinent fact as to the price or value of the land or property;
 - 3.7. recommendations on the following:

- 3.7.1.issues that need to be resolved before marketing the property or land can proceed;
 - 3.7.2.the method of disposal;
 - 3.7.3.the title to be transferred;
 - 3.7.4.the price the Council must receive along with the "asking" and "reserve price";
 - 3.7.5.whether legal and other costs must be recovered from the prospective purchaser and if so an estimate of their amount;
 - 3.7.6.the appointment of external advisers or agents;
 - 3.7.7.whether negotiations must proceed with a special purchaser.
4. These requirements shall not apply to the letting of the Council's industrial or commercial property or other short-term letting.
 5. All disposals of property or land owned or leased by the Council shall be by one of the following methods:
 - 5.1. Private Treaty
 - 5.2. Public Auction
 - 5.3. Formal Tender
 6. In the event that it is decided to dispose of property or land by way of a tender then so far as it is practicable the procedures laid down in CSO continue to apply.

Appendix 8: Exemption Form

RECORD OF THE EXEMPTION FROM OF THE REQUIREMENTS OF CONTRACT STANDING ORDERS

Contract name/ description:	
Name of Contractor:	
Contract Sum:	£
Anticipated date of Commencement of Contract:	
Anticipated date of completion of Contract:	
Contract Supervisor:	
Brief Contract Details:	
Reason(s) for being exempt from the requirements of Contract Standing Orders (i.e. details of which paragraph(s) in Standing Order 55 apply) :	
Signed _____ Executive Director	
Approved: _____ Procurement Officer Date:	Approved: _____ Monitoring Officer Date:

Appendix 9: Social Value Form

Public Services (Social Value) Act 2012

Procurement of

How could the services above contribute to improvements in the following aspects of the Council's area?	What action is necessary to encourage or achieve these outcomes?
Economic well-being?	
Social well-being?	
Environmental well-being?	
How could the procurement of this contract contribute to improvements in the following aspects of the Council's area?	What action is necessary to encourage or achieve these outcomes?
Economic well-being?	
Social well-being?	
Environmental well-being?	

Signed Date Officer's Name

In order to comply with the Act, the Officer responsible for the procurement must complete this form and retain it in the contract file. The Officer must also ensure that the actions listed are included in the procurement process.

Appendix 10: Officer Roles and Responsibilities

1. All Officers

All Officers involved in procurement and contract management activities are required to familiarise themselves with, and adhere to, the Council's CSO and financial regulations, ensuring that at all times:

- Public money is spent in a way that achieves value for money
- Procedures are followed consistently with the highest standards of integrity
- There is fairness, openness and transparency in the award of contracts
- All legal requirements are adhered to
- Non-commercial considerations do not influence any contracting decisions
- Decisions support the Council's corporate and service aims and policies
- Decisions comply with financial regulations, the Council's Procurement Strategy, health and safety requirements and competition requirements
- It can be demonstrated that the Council's interests have not been prejudiced nor exposed to unnecessary/unacceptable risks
- Comprehensive records are maintained
- Information is supplied to Procurement to enable compliance with Government transparency requirements
- Supplier entry requirements aren't too restrictive

All to attend the 'Introduction to Effective Procurement' course.

2. Procurement Team

Role:

The role of the Procurement Team is to provide a central contact/advice service to all Council Officers undertaking procurement activities. The team will provide professional advice and guidance, and practical assistance, on all aspects of the procurement process, in particular ensuring adherence to the CSO for contracts of a value in excess of £25k and to approve quotations between £5k and £25k obtained by the Client Department Officers. The role of the Procurement Officers is to provide a support service to Clients.

Key Responsibilities:

- **To provide advice on CSO and their application to varying scenarios presented by Clients. To include advice/guidance on the correct approach to be followed based on the value of the contract to be awarded, and on the type of contract that can be awarded in different situations.**
- **To assist the Client in producing documentation required during the procurement process (such as SSQs (if appropriate), ITTs, evaluation spreadsheets)**
- **To ensure that the requirements of CSO and EU tendering legislation is adhered to**
- **To determine whether the contract should be centrally managed by the Procurement Team.**

General Responsibilities:

- To ensure that the relevant departments are aware of any proposed tenders i.e. ICT
- To assist the Client with writing the specification for the product/service to be procured
- To work with the Client to determine the award criteria for the contract and appropriate weightings of each criterion.

- To place adverts/contract notices on Delta, the Council's web-site and Contracts Finder or OJEU (as appropriate)
- To send Delta links to relevant suppliers who may be interested in advertised opportunities.
- To receive and respond to queries from potential suppliers and Candidates via Delta, agreeing responses with client departments
- Assist with SSQ evaluations (when requested)
- To undertake the financial evaluation of SSQs
- To follow up references (as required)
- To organise tender opening, inviting the Monitoring Officer and Portfolio Holder for any contracts over £100k
- To support the Client Officer with other aspects of tender evaluation as may be required
- To organise, attend and produce minutes for, post-tender interviews/negotiations
- To notify successful and unsuccessful Candidates of the outcome of the tender exercise
- To pass relevant documentation to Legal Services to enable contracts to be drafted
- To ensure all post tender procedures are fully complied with (e.g. Responding to queries from unsuccessful Candidates)
- To keep records as appropriate within the Procurement Team
- To monitor expenditure on contracts once awarded
- To ensure compliance with framework contracts across the organisation
- For contracts in excess of £100k, to work with Contract Managers in discussions regarding contract variations to ensure CSO are adhered to

All to attend appropriate training courses to keep up to date with Public Contracts Regulations and professional best practice.

3. Client Officer

Role:

The role of the Client is to undertake a range of duties and provide specialist professional/technical knowledge to the procurement process to ensure that the Council achieves the best possible outcome when new service(s)/product(s) are procured. NB. These responsibilities are to be adhered to irrespective of the value of the contract.

Key Responsibilities:

- **To liaise with the Procurement Team as required to ensure all activities undertaken comply with the Council's CSO and financial regulations. To include seeking advice/guidance on the application of these policies as required**
- **To produce the documentation required during the tendering and evaluation process**
- **To undertake a thorough evaluation process together with the Procurement Team to ensure the selection of the best possible solution for the Council's requirements**

General Responsibilities:

For all contracts:

- To alert the Procurement Team at the earliest opportunity when the need for new contracts arise, to allow for sufficient advertisement and evaluation time. Ideally at least 2 months before the requirement.
- If required, to prepare and obtain agreement from the appropriate body for, the business case leading to a decision to procure a particular service/product(s). To include ensuring there is sufficient budgetary provision for the proposed expenditure
- To produce the detailed specification for the service/product(s) to be procured
- To determine the criteria upon which the tenders will be evaluated, with advice from Procurement if required

- To provide Procurement with project specific questions to include in the SSQ (if used) to help restrict competition to suitable contractors only.
- To work with the Procurement Team on the evaluation of SSQs (if it is a two-stage process) and tenders
- To lead selection interviews or a meeting with the preferred supplier (as appropriate)
- To keep an accurate record of decisions made at each stage of the tender process, including the records defined in CSO
- To provide the Procurement Team with response to questions/queries which may be raised by Candidates at any stage of the tender process
- To determine the key performance indicators against which performance of the contract can be monitored
- To develop a working knowledge of existing framework contracts and to liaise with the Procurement Officers to ensure existing contracts are utilised where possible to maximise savings for the Council

For contracts of a value less than £25k:

- To produce the Request for Quotation
- To contact the successful Candidate and award the contract
- To contact unsuccessful Candidates and advise them of the outcome of the process

For contracts of a value in excess of £25k:

- To provide information to the Procurement Team to enable the tender to be advertised
- To liaise with the Procurement Team regarding the production of the invitation to tender
- To assist with tender opening
- To evaluate the tenders received
- To produce a shortlist of Candidates for interview or identify a preferred supplier (as appropriate)
- To determine, in consultation with the Procurement Team, the award of the contract
- To liaise with / advise the Procurement Team on agreed variations to the contract
- To ensure that any and all contract variations have been documented and where necessary the correct authorisation gained.

All to attend the 'Specification Writing and Selection of the Successful Contractor' course

4. Contract Manager

NB. The Contract Manager may or may not be the same person undertaking the 'Client' role.

Role:

The Contract Manager is responsible for the day-to-day management of the contract awarded as the result of a tendering exercise. This involves monitoring performance, providing feedback, developing, and maintaining, an effective relationship with the supplier and ensuring the effective ongoing administration of the contract to ensure the required outputs/outcomes are achieved with maximise benefit for the Council. NB. These responsibilities are to be adhered to irrespective of the value of the contract.

Key Responsibilities:

- **To be responsible for the monitoring and reporting of performance against the contract specification and budget, including maintaining key performance indicators**
- **To co-ordinate and chair regular contract review meetings – at which both past performance (good and bad) will be discussed and future targets may be set, and maintaining records of the discussions held at the meeting**

- **To ensure that the Council continues to achieve best value throughout the term of the contract**
- **To keep Procurement informed of any issues from an early stage, allowing them to escalate if performance fails to improve**

General Responsibilities:

- To work with the Client Officer to obtain a good working knowledge of the contract specification, contract budget and required outputs/outcomes and to ensure a clean handover with the successful Candidate prior to the commencement of the contract
- To allocate sufficient time, particularly at the start of the contract, to manage the contract effectively
- To ensure regular operational meetings/dialogue is held with the contractor
- To identifying, at an early stage, any sub-standard performance and take steps to address this – gaining commitment from the contractor to resolve the problem within an agreed timescale.
- To regularly review any risks identified within the contract, referring any concerns to the Procurement Team
- To lead any discussions regarding potential contract variations, seeking advice from the Procurement Team before any such agreements are made. NB. For contracts where the variation will exceed 20% of the contract value to raise the potential need for contract variations with the Procurement Team at an early stage to ensure their involvement in any subsequent discussions and ensure CSO are adhered to. If not the Client Officer, this officer must ensure that they are authorised to make the types of variations being discussed prior to meeting with the contractor / supplier and keep the client officer updated on what is being agreed.
- To authorise invoices in connection with the provision of services/goods arising from the contract and to raise issues/queries regarding invoices with the contractor
- To develop and maintain effective working relationships with the contractor
- To manage any issues which arise during the performance of the contract, such as changes to requirements, conflicts of interest, dealing with unforeseen events
- To obtain, where relevant/appropriate, feedback from service users to assist with feedback to the contractor
- To work with the contractor, and Procurement Team where appropriate, to develop mutually advantageous continuous improvement opportunities

All to attend the 'Effective Contract Management' course

Appendix 11: Safeguarding Policies

Section 12 of the Council's Safeguarding Policy covers, in full, the safeguarding issues in relation to work with contractors and third parties.

In summary, circumstances where the Council needs to consider its safeguarding responsibilities as delivered via third parties/contracted circumstances include:

- services undertaken on the Council's behalf by third party organisations, who may have contact with children, young people and/or adults at risk of abuse or neglect
- property/facilities which may be used by third parties that may involve contact with children, young people or adults at risk
- providing funding to some groups/organisations who provide services to/on behalf of children, young people or adults at risk

Procurement Risk assessment for applying Safeguarding Policy

Date	
Contract being procured	
Safeguarding risk rating	
Reasons for rating	
Action taken	

For all procurement exercises for services or works contracts, a risk assessment must be undertaken based on the criteria on page 36. Details must be recorded in the table above and a record kept in the tender folder. "Vulnerable people" means children or adults experiencing or at risk from abuse or neglect.

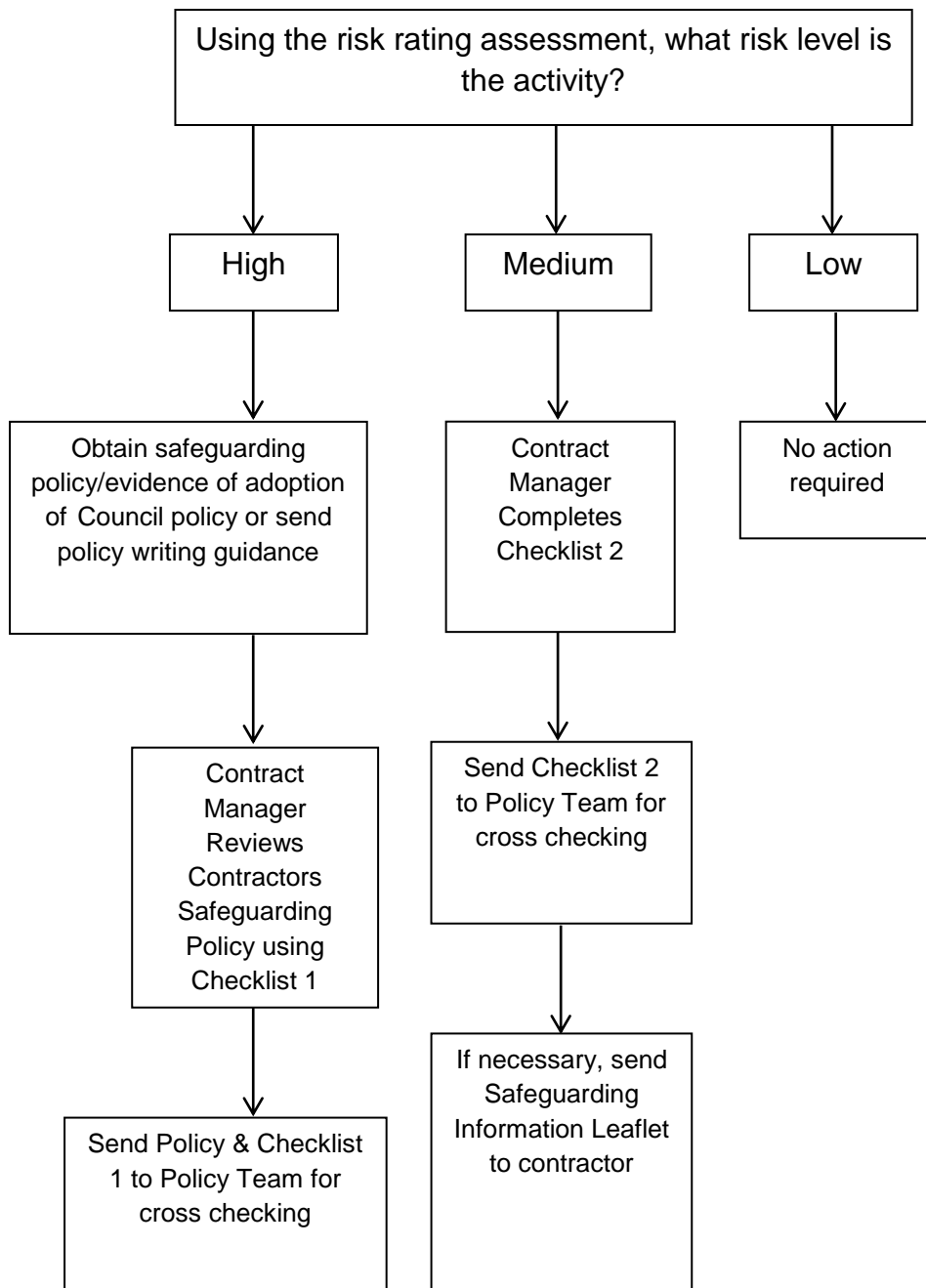
If the result is either high or medium then you must take the appropriate action and make Becky Box aware of the result.

Having looked at the various types of 3rd party engagement the Council has, it has been identified that there is a need to differentiate between the different levels of contact with children and vulnerable adults in order to apply the most appropriate level of action. This forms the basis of our safeguarding risk assessment and the table below provides simple definitions and required actions in order to guide staff:

Risk rating	Criteria	Action required
High	Extreme likelihood of prolonged contact with children/vulnerable adults; OR irregular/ one-off activity with high risk of significant or physical contact with children and/or vulnerable adults and/or potential opportunities for grooming; whole purpose of the activity is directed at children/vulnerable adults.	Safeguarding policy required or adoption of the Council's policy. Annual report may be required from 3 rd party on training provided to staff and the record of DBS checks, from which a sample may be selected for checking.
Medium	Likely that contact with children/vulnerable adults will be made on a day-to-day basis, but not on a prolonged basis and activity not directed specifically at children/vulnerable adults.	Guidance provided (based on an adapted version of the guidance provided to taxi drivers that has been approved by the Norfolk Safeguarding Children Board).
Low	Unlikely contact with children/vulnerable adults and/or activity directed more at other businesses.	No action required.

The Council has developed good practice guidance that can be provided to third parties to assist them in developing their own policies/procedures in relation to safeguarding, which will in turn enable them to meet the Council's safeguarding requirements. Copies of this are available from the Policy team if required. The Policy Team has also developed a process for assessing safeguarding policies against the Council's expectations and they are happy to provide this service if required by Managers.

When considering the risk level of the activity the following model should be followed in order to determine your next steps:



The necessary documentation referred to in the above model can be found on Insite under the Safeguarding section.

Appendix 12: Equality in Procurement

1. When conducting their procurement activities, central Government departments and their agencies must ensure that they meet their legal obligations under the Equality Act 2010 and its associated Public Sector Equality Duty in a way that is consistent with the Government's value for money policy and relevant public procurement law. The Council's Equality Policy can also be found here https://www.west-norfolk.gov.uk/info/20006/council_and_democracy/304/equality
2. The Public Sector Equality Duty (PSED) is contained within section 149 of the Equality Act 2010. It requires those public bodies which are subject to the duty, to have due regard to the three aims of the duty:
 - 2.1. Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
 - 2.2. Advance equality of opportunity between people who share a protected characteristic and people who do not share it;
 - 2.3. Foster good relations between people who share a protected characteristic and people who do not share it.
3. The PSED should help to ensure that public goods and services are accessible to, and meet the diverse needs of all users to ensure that no one group is disadvantaged in accessing public goods and services.
4. The public procurement rules allow for equality-related issues to be taken into account in the procurement process where they are relevant to the subject matter, or relate to the performance, of the contract. 'Due regard' in the context of public procurement means consciously considering the relevance of the three aims of the duty to the individual procurement and ensuring that where equality issues are incorporated into the procurement process, it is done in a proportionate way (i.e. the actions taken are proportionate to the degree of relevance of the equality issue to the individual procurement), taking into account value for money. It is important that the issues are looked at substantively and with an open mind, it is not enough to just note that there will be no negative impact, as there are parts of the duty which look at whether positive improvements can be made. Managers, in all Procurement circumstances, should complete the Equality Pro Forma given on Page 38 in order to assess any equality implications that may occur.
5. The nine protected characteristics as described in the Council's Equality Policy are: Age; Disability; Gender reassignment; Marriage and civil partnership; Pregnancy and maternity; Race; Religion and belief; Sex and Sexual orientation.
6. For services, the degree of relevance is likely to be greater if:
 - 6.1. The service involves direct contact with the public, e.g. careline or care & repair services;
 - 6.2. The service combines technical performance with provision directly to the public, e.g. communication services;
 - 6.3. The service will be performed on the public authority's premises, where the Contractor's workforce will be in contact with the public authority's employees, e.g. facilities management services.
7. For goods, the degree of relevance of equality is likely to be greater if:
 - 7.1. The goods need to meet specific technical needs of the user, e.g. meeting the needs of disabled people to ensure that the goods are fit for purpose.
8. For works, the degree of relevance of equality is likely to be greater if:
 - 8.1. The works need to ensure accessibility for disabled people, e.g. building accessibility for disabled people;
 - 8.2. The works are being performed on the public authority's premises where the Contractor's workforce will be in contact with the Public Authority's employees or members of the public.
9. Where it is clear from the start of the procurement, having conducted pre-procurement

engagement and in identifying the need, that equality is not relevant to what is being procured, we would still require Contractors to adhere to equality legislations and ideally show best practice to their own staff. The PSED is a continuing duty so if equality is a relevant consideration in what is being procured it should be considered at an early stage and throughout the procurement process (both beforehand and at the time a relevant decision is being made). As a matter of good practice, departments may wish to keep some formal record to show that they have considered the duty in conducting a procurement exercise.

10. In keeping with relevant procurement law and the Government's commitment to be more transparent about how public money is spent, where equality requirements are being incorporated into the procurement process, this must be clearly set out in the tender documents and resulting contract documents.
11. Under the Government's transparency policy, all central government tender documents and contract for procurements over the value of £25,000 must be published on Contracts Finder. Greater transparency of tender documents and contracts will provide some indication as to whether and how equality has been incorporated into a particular procurement. This information will allow potential providers and the public to hold Government to account where they believe that relevant equality considerations are not adequately addressed in a particular procurement or where they believe that such matters have not been incorporated in a proportionate way.
12. The above shows a brief overview of equality considerations in the Procurement process. More details on equality procedures and protocols can be found in the Council's Equality Policy.

Annex A – Incorporating Equality into the Public Procurement Process



Equality Pro Forma

Date		Name	
Job Title			
Contract being procured			
Will the Contract provide an opportunity to eliminate unlawful discrimination?			Yes / No
Will the Contract provide an opportunity to advance equality of opportunity?			Yes / No
Will the Contract provide an opportunity to foster good relations between different groups?			Yes / No
Have you completed an Equality Impact Assessment in relation to this contract?			Yes / No
For Services			
Will the Contractor have direct contact with the public?			Yes / No
Will the Contractor be working on Council premises?			Yes / No
For Goods			
Will the goods need to meet technical needs of the user (i.e. Disabled people)			Yes / No
For Works			
Will the works need to ensure accessibility for disabled people?			Yes / No
Will the works be carried out on occupied Council premises where they may come into contact with staff or members of the public?			Yes / No
If you have answered yes to any of the above questions, what action is going to be included in the Procurement process to meet the aims of the PSED and the Equality Act 2010?			

Appendix 13: DPIA Pre-Screening Tool

A Data Protection Impact Assessment (DPIA) is designed to help you analyse and mitigate the data protection risks associated with any contract. There is a requirement under current data protection to carry out DPIAs for any new processing likely to result in a high risk to the rights and freedoms of individuals. Risk in this context is about the potential for any significant physical, material or non-material harm to individuals.

For any advice on data protection, please contact the Council's Data Protection Officer (DPO) Cara Jordan on 01263 516373 or cara.jordan@eastlaw.org.uk and she will be able to assist you with your requirements.

You **must** use this screening tool as a guide for establishing whether a DPIA is necessary. If the outcome is that a DPIA is not necessary, the screening exercise should be recorded and captured as evidence of the review and its outcomes – note that a DPIA is ALWAYS required if ANY single one check box is populated in the following checklist:

We plan to:

- Use systematic and extensive profiling or automated decision-making to make significant decisions about people.
- Process special category data or criminal offence data on a large scale.
- Systematically monitor a publicly accessible place on a large scale.
- Use new technologies relating to personal data.
- Use profiling, automated decision-making or special category data to help make decisions on someone's access to a service, opportunity or benefit.
- Carry out profiling on a large scale.
- Process biometric or genetic data.
- Combine, compare or match data from multiple sources.
- Process personal data without providing a privacy notice directly to the individual.
- Process personal data in a way which involves tracking individuals' online or offline location or behaviour.
- Process children's personal data for profiling or automated decision-making or for marketing purposes, or offer online services directly to them.
- Process personal data which could result in a risk of physical harm in the event of a security breach.

We plan to carry out any other:

- Evaluation or scoring relating to personal data.
- Automated decision-making with significant effects.
- Systematic processing of sensitive data or data of a highly personal nature.
- Processing on a large scale.
- Processing of data concerning vulnerable data subjects.
- Innovative technological or organisational solutions.
- Processing involving preventing data subjects from exercising a right or using a service or contract.

Please send the results of this Screening Tool to lee.osler@west-norfolk.gov.uk , cara.jordan@eastlaw.co.uk and richard.godfrey@west-norfolk.gov.uk . If the results of the above checklist indicate that a full DPIA is required then Lee Osler and/or Cara Jordan will be in contact in order to assist you in completing a DPIA.

Before any Tender that could potentially involve data protection is brought to Procurement for consideration, proof that this pre-screening tool has been completed must be provided.

Date of Completion:

Name of Project:

Project Manager:

Other comments:

DPIA Required? YES / NO

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



REQUEST FOR QUOTATION

FOR

[INSERT TITLE]

SECTION 1 – Information & Instructions to Participants

Introduction

The Borough Council of King's Lynn & West Norfolk (the Council) is inviting quotations for ***[insert short description]***

Notification of Interest

This is a formal quotation exercise, please confirm as soon as possible whether or not you intend to submit a quote.

Standard Selection Questionnaire

In an effort to reduce the administrative burden on potential suppliers for this contract the Council is not asking all bidders to complete a Standard Selection Questionnaire. However, if you come top in the evaluation of quotations submitted we will require additional information, prior to the offer of a contract, to establish that your insurance arrangements and compliance with Health & Safety legislation are satisfactory.

Queries

Any queries regarding the process or the proposed requirements should be raised as soon as possible.

If a query gives rise to the need for an amendment to the specification all parties will be notified simultaneously.

Site Visits ***[Delete if not appropriate]***

Contractors should contact ***[insert contact details]*** in order to arrange a suitable date and time to visit site.

Submission of Quotation

Quotes will only be considered if they are emailed to ***[insert email address]*** by ***[insert time and date]***.

Quotes may only be submitted on the Quotation Response Form (Section 3 of this document) and they should be accompanied by the Non-Collusion Certificate on page **X**.

Your response must include any requested supporting documentation for your proposal. Please do not return the full RFQ document or additional attachments or documents that are not requested.

Quotation Evaluation

The successful Supplier will be the bidder that offers the lowest price / most economically advantageous Quotation. ***[Delete as appropriate]***

This will be evaluated on the basis of the following criteria: ***[Delete this section if evaluated on price only]***

- | | | |
|----|----------------|------------|
| 1. | Price | XX% |
| 2. | Quality | XX% |

The quality aspect will be assessed on the following criteria: -

- [Insert quality sub-criteria and percentage weighting]

You may want to consider the following:

- **Methodology**
- **Customer Engagement**
- **Programme of Works**
- **Contract Duration**
- **Response Times**
- **Local Labour Profile**
- **Relevant Experience e.g. CVs of key personnel**
- **Warranty / Guarantee Offered**

The quality criteria will be evaluated against the following scoring system, with the scores adjusted for the weighting of each criterion:

Performance	Judgement	Score
Meets the standard and exceeds the standard in some or all of those aspects	Excellent	5
Meets the standard in all aspects but does not exceed it	Good	4
Meets the standard in majority of aspects but fails in some	Satisfactory	3
Fails to meet the standards in the majority of aspects but meets in some	Unsatisfactory	2
Significantly fails to meet the standard	Poor	1
Completely fails to meet the standard	Failed	0

Contract Award

The Council does not undertake to accept any quote. However, assuming that the process is successful, the Council will notify all participants simultaneously about the intended award.

Form of Contract

On completion of the quotation evaluation, the successful contractor will be issued with an official Purchase Order which will be subject to the Council's Standard Conditions of Purchase. The order together with the Specification and your submitted quotation will form the basis of the contract.

Government Transparency Policy

The policy of central government is that all local authorities should be completely transparent about what they spend taxpayers' money on and who that money is spent with. Therefore, you should be aware that if you are successful in obtaining this contract, or any other business, with the Council details of all payments over £500 will be published on the Council's website.

The Council will also publish, on a quarterly basis, details of all contracts awarded and purchase orders issued over £5,000 in value.

SECTION 2: SPECIFICATION

[Insert a description of your requirement in enough detail to ensure that quotes will be provided on a like-for-like basis]

You may want to consider: -

Goods:

- **Make and Model of Equipment**
- **Size**
- **Materials to be used**
- **Timing of delivery / Lead Time**
- **Warranty / Guarantee**
- **Samples**
- **Design / Aesthetic appearance**
- **Any training requirements?**

Services:

- **Methodology of service delivery**
- **Key Performance Indicators / Service Level Agreements**
- **Timescales**
- **Qualifications of Staff**
- **Minimum Quality Standards i.e. ISO9001**

SECTION 3 - QUOTATION RESPONSE FORM

CONTRACTOR'S NAME

CONTRACTOR'S ADDRESS.....

.....

CONTACT NAME.....

PHONE No EMAIL.....

Fixed price fees for the requirement detailed in Section 2 above, excluding VAT.

TOTAL COST £.....

ANY OTHER DOCUMENTATION ASKED FOR? YES / NO

Signed Position

Print Name Date

CERTIFICATE OF NON-COLLUSION/ PREVENTION OF CORRUPTION

I/ We certify that:

- a) The prices, specifications and all matters relating to the enclosed Quotation have been arrived at independently, without consultation, communication, agreement or understanding for the purpose of restricting competition, as to any matter relating to such prices, specifications and all other matters, with any other person or Organisation;
- b) Unless otherwise required by law, the prices and other information which have been submitted in the Quotation have not knowingly been disclosed, directly or indirectly, to any other person or Organisation, nor will they be so disclosed;
- c) No attempt has been made or will be made to induce any other person or firm to submit or not to submit a Quotation nor to withdraw or amend a Quotation which as either already been or is intended to be submitted for the purpose of restricting competition;
- d) No attempt has been made directly or indirectly to canvass any Councillor or employee of the Council or anyone acting on its behalf concerning the award of the contract which is the subject of this Invitation to Quotation.

In addition, no person acting on behalf of or representing the Company has:

- a) offered, given or agreed to give to anyone any inducement, gift or reward in respect of this or any other Council contract (even if I/ we do not know what has been done);
- b) committed an offence under the Bribery Act 2010 or Section 117(2) of the Local Government Act 1972; or given any fee or reward, or solicited or accepted any form of money, or taken any reward, collection or charge for performing the Works, other than bona fide charges previously approved in writing by the Council;
- c) committed any fraud in connection with this or any other Council contract whether alone or in conjunction with Council members, contractors or employees. I/ we accept that any clause limiting my/ our liability shall not apply to this clause.

I understand that the Council may cancel the contract with me/ the Company if there is evidence of any failure on my/ our part to comply with any of the above and, if necessary, take legal action against me.

Signed:

Name:

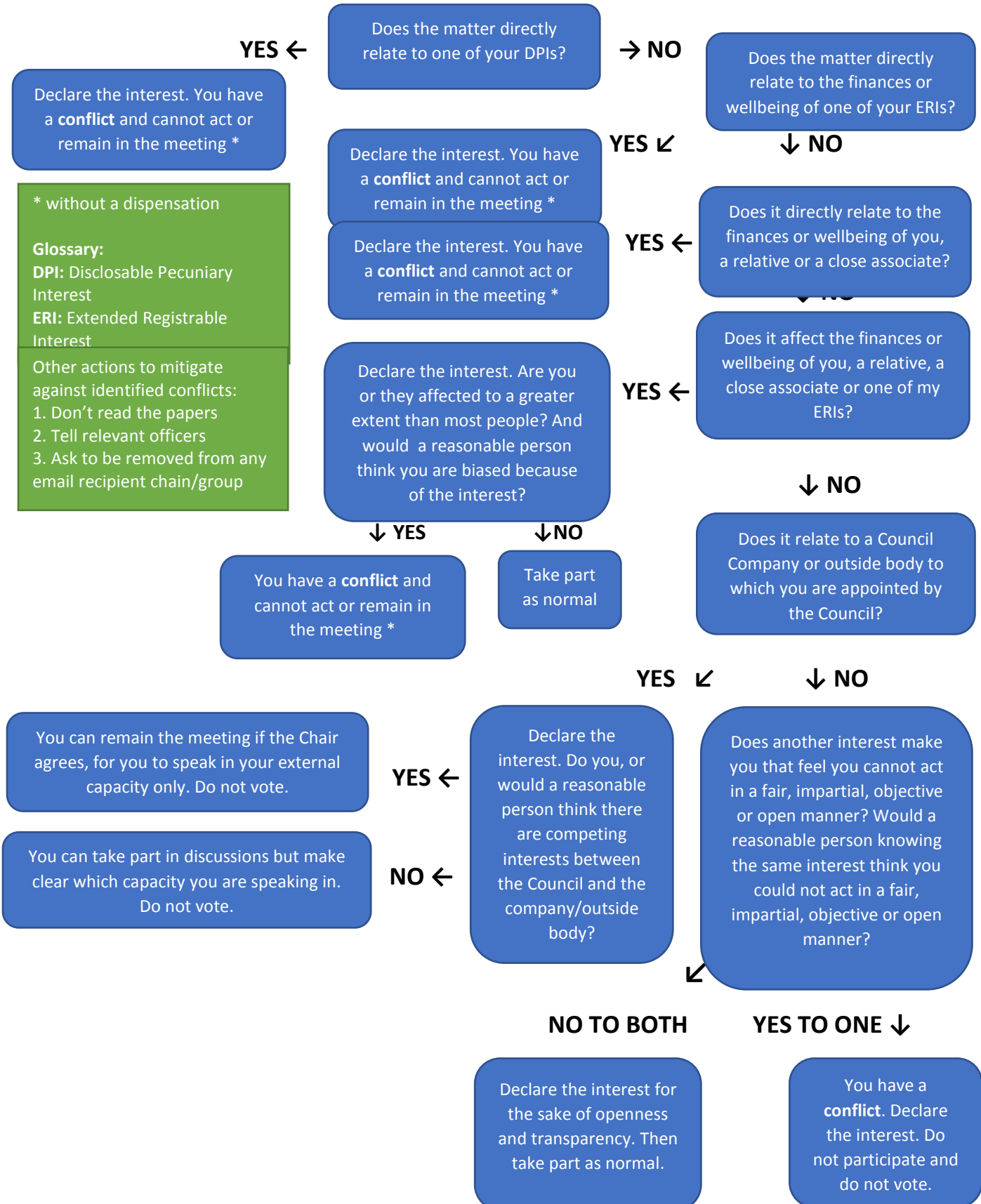
Date:

Position:

DECLARING AN INTEREST AND MANAGING ANY CONFLICTS FLOWCHART



START





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

Definitions

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

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

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

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

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

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

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

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

Glossary

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

Must: Mandatory on all occasions

Require: Mandatory on all occasions

Should: Mandatory unless an objectively justified reason not to

Purpose of the Code of Conduct

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

General principles of Councillor conduct

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

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

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

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

In undertaking my role:

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

Application of the Code of Conduct

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

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

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

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

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

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

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

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

Standards of Councillor conduct

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

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

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

The full guidance can be accessed at the following:

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

General Conduct

1. Respect

As a Councillor:

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

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

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

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

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

2. Bullying, harassment and discrimination

As a Councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

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

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

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

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

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

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

3. Impartiality of officers of the council

As a Councillor:

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

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

4. Confidentiality and access to information

As a Councillor:

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

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

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

d. the disclosure is:

i. reasonable and in the public interest; and

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

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

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

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

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

5. Disrepute

As a Councillor:

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

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

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

6. Use of position

As a Councillor:

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

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

7. Use of local authority resources and facilities

As a Councillor:

7.1 I do not misuse council resources.

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

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

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

Examples include:

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

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

8. Complying with the Code of Conduct

As a Councillor:

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

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

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

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

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

Protecting your reputation and the reputation of the local authority

9. Interests

As a Councillor:

9.1 I register and disclose my interests.

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

register of interests of members of the authority.

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

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

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

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

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

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

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

10. Gifts and hospitality

As a Councillor:

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

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

11. Other Expected Behaviours

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

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

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

Integrity

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

Objectivity

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

Accountability

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

Openness

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

Honesty

Holders of public office should be truthful.

Leadership

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

Appendix B Registering interests

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

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the Councillor, or a person connected with the Councillor, being subject to violence or intimidation.
3. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

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

Disclosure of Extended Registerable Interests

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

Disclosure of Other Interests

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

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

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

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

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

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

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

Table 1: Disclosable Pecuniary Interests

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

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

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

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

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

Table 2: Other Registrable Interests

<p>You must register as an Extended Registrable Interest:</p> <ul style="list-style-type: none"> a) any unpaid directorships (excluding the Council's Companies) b) any body <ul style="list-style-type: none"> (i) exercising functions of a public nature (ii) directed to charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management

Appendix C – Interests Flowchart

MEMBER/OFFICER PROTOCOL

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

Definitions

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

Principles

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

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

The role of officers

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

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

The role of Members

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

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

The relationship between Members and officers: general

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

The Council as employer

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

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

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

Mayor and officers

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

Executive Members and officers

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

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

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

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

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

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

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

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

Overview and Scrutiny Members and officers

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

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

Members of other committees or sub-committees and officers

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

Party groups and officers

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

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

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

Local Members and officers

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

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

Member Enquiries

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

Members' access to documents and information

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Media relations

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

Correspondence

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

Use of Council resources

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

Interpretation, complaints and allegations of breaches

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

BOROUGH COUNCIL OF KING'S LYNN AND WEST NORFOLK

MEMBERS CODE OF GOOD PRACTICE FOR PLANNING

1. INTRODUCTION

- 1.1 This Code has been prepared and adopted for the guidance of Councillors in their dealings with planning matters.
- 1.2 The aim of this code is to ensure that, in the planning process, there will be no grounds for suggesting that a planning decision has been biased, partial or not well founded on planning considerations and to inform potential developers and members of the general public of the standards adopted by the Borough Council and the performance of its planning function.
- 1.3 **When this code applies** – to all members of the Planning Committee and substitutes. This would include, for example, making decisions at planning and other committees, or on less formal occasions such as meetings between members and officers and/or members of the public on planning matters. The code applies equally to planning enforcement matters or site-specific policy issues and to planning applications.
- 1.4 Planning decisions made by Councillors can have a considerable effect on the value of land, the nature of its development and on the lives and amenities of people living in the vicinity. The process of arriving at decisions on a planning matter must be open and transparent and the involvement of both Officers and Members must be clearly understood. The main principles which Members should have clear regard for are: -
 - The key purpose of planning is to deliver sustainable development which effectively balances economic, social and environmental interests and takes relevant local circumstances into account.
 - Your overriding duty as a Councillor is to all residents of the Borough Council area and in relation to planning issues to help ensure that the council's planning policies are achieved.
 - Your role as a member of the planning authority is to make planning decisions openly, impartially, with sound judgement, and for justifiable reasons.
 - Whilst you may be strongly influenced by the views of others and of your party in particular it is your responsibility alone to decide what view to take on any question which councillors have to decide.
 - Section 38(1) and 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act requires you to take planning decisions in accordance with the provisions of the development plan unless material considerations indicate otherwise. You should ensure that all decisions that you make have regard to

proper planning considerations and are made impartially and in a way, which does not give rise to public suspicion or mistrust.

- The Code applies to all decisions of the Council on planning related matters. This includes Members involvement in any planning application, whether or not it is reported to a committee, all applications determined by any committee or by Full Council acting as a local planning authority.
- When acting in your capacity as a Councillor you must have regard to the Council's adopted Code of Conduct.

1.6 If you have any doubts regarding whether this code of conduct for members or officers applies to their particular circumstances then you should take advice at the earliest possible opportunity from the Monitoring Officer Service or from a member of her staff. Any such advice should be sought well before any meeting of the local planning authority takes place.

2. RELATIONSHIP TO THE MEMBERS' CODE OF CONDUCT

2.1 The Members' Code of Conduct sets out the standards of behaviour expected of Councillors and the requirements in relation to the declaration of interests in the Members Register of Interests and at meetings. Not only should impropriety be avoided but also any appearance or ground for suspicion of improper conduct. When considering any planning matter you should have primary regard for the Code, and particularly the requirement to properly declare all interests: -

- **Do** comply with the requirements of the adopted Code of Conduct first then apply the rules in this Planning Code of Good Practice.

2.2 If you do not follow and apply the code then you may put the Council at risk of proceedings challenging the legality of the decision made or of a complaint to the Ombudsman in respect of alleged maladministration and yourself at risk of sanction if there has been a failure to comply with the adopted Members' Code of Conduct.

3. DEVELOPMENT PROPOSALS AND DECLARATION OF INTERESTS UNDER THE MEMBERS' CODE OF CONDUCT

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

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

or

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

The existence and nature of any interest should be disclosed in accordance with this Code at any planning committee, working party meeting and any informal meetings or discussions with officers and any other Members.

Members should preferably disclose their interest at the commencement of the meeting and not at the beginning of the discussion on that particular matter.

Members should notify the Monitoring Officer in writing of your interest and ensure that such notification should be no later than submission of that application and ensure that a proper record of the interest is noted at any meeting.

Where you have a Disclosable Pecuniary Interest (Your pecuniary interests (or those of your spouse/partner), are business interests; for example their employment, trade, profession, contracts, or any company with which you are associated and wider financial interests that you have for example trust funds, investments, and assets including land and property):

Do Not participate or give the appearance of trying to participate in the making of any decision by the Local Planning Authority.

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

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

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

4. PRE-DETERMINATION IN THE PLANNING PROCESS

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

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

It is therefore particularly important for elected Councillors to have a clear understanding about the implications of expressing strong opinions or views on planning matters. Section 25 of the Localism Act 2011 introduces provisions for dealing with allegations of bias or pre-determination or matters that otherwise raise an issue about the validity of a decision, where the decision maker(s) had or appeared to have a closed mind (to any extent) when making the decision.

This does allow Councillors to express preliminary views on planning matters however they will still need to be open minded at the point of decision in the sense of listening to all of the arguments, and weighing them against their preferred outcome, before actually voting.

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

In practice:

This can be demonstrated by the Committee Chairman asking the Councillor at the beginning of the meeting to confirm whether or not they still have an open mind on a proposal.

A Councillor quoted in a newspaper having said, “Over my dead body will that planning application be approved. I will never support it under any circumstances” could be said to have predetermined the decision. These extreme statements should still be avoided.

It is important to note that if a member has expressed particularly extreme views, it will be more difficult in practice to be able to get away from the impression that they would approach the decision with a closed mind.

5. CONTACT WITH APPLICANTS, DEVELOPERS AND OBJECTORS

5.1 Local Authorities are encouraged to enter into pre-application discussions with potential applicants.

5.2 The Council encourages member involvement provided members roles in such discussions are clearly understood by members, officers, developers and the public. In particular members of development control committees need to be aware of the distinction between the giving and receiving information and engaging in negotiations. Members should also be aware that presentations by developers are, in effect, a form of lobbying and that the principles set out in paragraph 6 are relevant.

Do take advice from the Monitoring Officer if you are invited to attend meetings with applicants, developers or groups of objectors if you are a member of the Planning Committee and therefore likely to be part of the decision-making process. You will then be in a position to make a decision about your attendance having taken proper count of the issues relating to pre-determination.

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

Do not agree to any formal meeting with applicants, developers or groups of objectors. Where you feel that a formal meeting would be useful in clarifying the issues, such presentation or discussion with an applicant, developer or objector should be part of a structured arrangement organised by officers. The officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee.

Do remember that the presentation is not part of the formal process of debate and determination of any subsequent application, this will be carried out by the appropriate Committee of the Planning Authority

Do be aware that a presentation is a form of lobbying and if you express a view, you will need to carefully consider if you have pre-determined the matter prior to the vote;

- Follow the rules on lobbying;
- Report to the Executive Director (Development Services) any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them and ensure that this is recorded on the planning file.

6. LOBBYING OF MEMBERS

6.1 It is acknowledged that lobbying is an integral part of the planning process. However, care has to be taken to avoid members' integrity and impartiality being called in question and accordingly there is a need to declare publicly that an approach of this nature has taken place. Lobbying can take place by professional agents as well as unrepresented applicants/landowners and community action groups.

6.2 Members must enter hospitality in accordance with the rules on gifts and hospitality

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

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

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

Do copy or pass on any lobbying correspondence you receive to the Executive Director (Environment and Planning) at the earliest opportunity as this will enable proper officer advice to be given in the report and avoid the situation where officers are asked to respond to new information at the meeting itself, leading to deferral or decisions made on partial advice.

Do immediately refer any offers to the Executive Director (Environment and Planning) made to you of planning gain or a constraint of development through a proposed s106 obligation or otherwise.

Do inform the Monitoring Officer where you feel that you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality) that may require an investigation.

Do note that you **will not have pre-determined a matter** or breached this Code if:

- You have listened or have received views from residents or other interested parties;
- You have made comments to residents, interested parties, other Members or appropriate officers, provided the comments have not amounted to a pre-determination of the issue and you have made it clear that you are keeping an open mind;
- You have sought information through appropriate channels;

or

- You are being a vehicle for the expression of opinion or speaking at the meeting as a Ward/Local Member, provided that you explain your actions at the beginning of the meeting or item and make it clear that, having expressed the opinion or ward/local view, that you have not committed yourself to vote in accordance with those views and will make up your own mind having heard all the facts and listened to the debate.

7. LOBBYING BY PLANNING COMMITTEE MEMBERS

It is recognised that a Planning Committee Member who represents a ward affected by a particular application is in a difficult position particularly if it is a controversial application around which a lot of lobbying takes place. There is a balance to be struck between the duties to be an active ward representative and the overriding duty as a Councillor to the whole community. In these circumstances;

Do join general interest, resident or amenity groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals. Examples of such groups are local civic societies, the Ramblers' Association, the Victorian Society and CPRE. Members must, however, disclose any interest in accordance with the adopted code of conduct when that group has made representations on a particular matter and such members should make it clear to that group and to the Planning Committee that you have reserved judgment and the independence to make up your own mind on each and every proposal.

Do not excessively lobby fellow members regarding your concerns or views and nor attempt to persuade other members how they should vote in advance of a meeting at which a planning decision is to be taken.

Do not decide or not discuss at any political group meeting how to vote on a planning matter or lobby any other member to do so. Political group meetings should never dictate how members should vote on a planning issue.

8. SITE VISITS BY MEMBERS

8.1 Sites inspection by Committee can be helpful in reaching a decision on issues where site circumstances are clearly fundamental to that decision as outlined below. Any Member of the Planning Committee may request a site visit.

There is an expectation that Members will attend site visits. However there will be exceptional circumstances where this is not possible. If this is the case, please speak to the Executive Director or Monitoring Officer.

If you have difficulties in accessing the site, please speak to the Committee Chairman, prior to the site visit if possible. If during a site visit, it is not possible for you to continue, please speak to the Chairman, before leaving.

Do ensure that any information which you gained from the site visit is reported back to the Committee, so that all Members have the same information

Do ensure that you treat the site visit only as an opportunity of seeking information and to observe the site.

Do ask the officers questions and seek clarification from them on matters, which are relevant to the site inspection, but this is not the time for a debate.

Do not hear representations from any other party at the site visit. If you are approached by the applicant or a third party, advise them that they should make representations in writing to the Council and direct them to or inform the officer that is present.

Do not express opinions or views to anyone at a site visit.

Do not enter a site that is subject to an application or proposal other than on an official site visit, even if it is in response to an invitation, as this may give the impression of bias.

Do stay with the rest of the Members and officers during a site visit – it helps to keep members safe on potentially dangerous sites and it ensures that all members receive all the relevant information.

9. THE DECISION MAKING PROCESS

All applications considered by Planning Committee or by way of a delegated decision shall be the subject of written reports and clear recommendations. If the recommendations are contrary to the provisions of the Development Plan the material considerations, which justify this, shall be clearly stated. If in the view of the officer the matter is finely balanced the report will say so. The recommendations put forward by officers and the decision by members are separate parts of the same process, which should be justified by the report and debate respectively.

9.1 MEMBERS RELATIONSHIP WITH OFFICERS

Do not put pressure on officers to put forward a particular recommendation. This does not prevent you from asking questions or submitting views to the relevant planning officer, and such views may be incorporated into any committee report.

Do recognise and respect that officers in the processing and determining of planning matters must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct. You should therefore appreciate that officers' views, opinions and recommendations will be based on their overriding obligation of professional independence,

which may on occasion be at odds with the views, opinions and decisions of a committee or its members.

Do consider the Council's protocol for member/officer relationships, which governs the working relationship you have with officers. This is a relationship based on mutual trust and courtesy, and all meetings should be guided by this principle.

9.2 PUBLIC SPEAKING AT MEETINGS BY MEMBERS

Do not allow members of the public to communicate with you during the committee proceedings (orally or in writing) other than through the scheme for public speaking.

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

9.3 DECISION MAKING BY MEMBERS

Do come to a meeting with an open mind on a matter and do demonstrate that you are open-minded.

Do make decisions in accordance with the Development Plan unless material considerations indicate otherwise.

Do come to your decision only after due and proper consideration of all of the information reasonably required upon which to base a decision. If you feel that there is insufficient time to consider new information or there is insufficient information before you then you should request that further information and, if necessary, defer the application.

Do not vote or take part in a discussion at a meeting unless you have been present for the entire meeting or for the whole of the matter in question and this includes the public speaking and the officers' introduction to the matter. If a member needs to leave a meeting for a short period, such as for a comfort break, that member should seek an adjournment.

Do give reasons for Committee's decision to defer any proposal.

Do make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendation or the development plan that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons, like all reasons in such matters, must be given prior to the vote and be recorded. Members should also be aware that you might have to justify their decision by giving evidence in the event of any appeal or challenge.

Do ensure that the reasons you give for a decision must be your reasons. You cannot ask an officer to give the reasons for you. An officer may assist in the drafting of your reasons.

Do not engage in social media or electronic communications, passing or receiving notes during the meeting.

10. TRAINING OF MEMBERS

All Members serving on the Planning Committee including substitute members in accordance with the Council's Constitution shall be trained in planning procedures prior to serving on the Committee.

Further training during the course of the year relating to planning will be provided. Members are strongly encouraged to attend this as persistent failure to attend will be referred to the Monitoring Officer for action and may result in suspension from Membership of the Committee.

Do not take part in the decision making process at committee meetings unless you have attended the mandatory planning training prescribed by the Council's Constitution.

Do attend any other specialised training sessions provided, since these will be designed to extend their knowledge of planning law, procedures, Regulations, Codes of Practice and the Development Plan. The training will be devised to assist you in carrying out your role properly and effectively.

11. SANCTIONS

A failure to adhere to the Code gives rise to potential consequences to individual Members. Any allegation of a serious breach of this Code should be made in writing to the Monitoring Officer.

BOROUGH COUNCIL OF KING'S LYNN AND WEST NORFOLK

MEMBERS CODE OF GOOD PRACTICE FOR LICENSING

1. INTRODUCTION

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

2. RELATIONSHIP TO THE MEMBERS' CODE OF CONDUCT

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

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

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

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

or

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

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

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

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

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

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

4. PRINCIPLES FOR A FAIR HEARING

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

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

5. PRE-DETERMINATION

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

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

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

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

6. CONTACT WITH APPLICANTS, OBJECTORS AND LICENCE HOLDERS

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

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

7. LOBBYING OF MEMBERS

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

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

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

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

Do not accept any gifts or hospitality from any person or group involved in or affected by a proposal. Whilst a degree of hospitality may be unavoidable, members must ensure

that such hospitality is of a minimum and its acceptance is declared as soon as is possible.

Do copy or pass on any lobbying correspondence you receive to the Executive Director at the earliest opportunity.

Do inform the Monitoring Officer where you feel that you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality) that may require an investigation.

Do note that you will not have pre-determined a matter or breached this Code if:

- You have listened or have received views from residents or other interested parties;
 - You have made comments to residents, interested parties, other Members or appropriate officers, provided the comments have not amounted to a pre-determination of the issue and you have made it clear that you are keeping an open mind;
 - You have sought information through appropriate channels;
- or
- You are being a vehicle for the expression of opinion or speaking at the meeting as a Ward/Local Member, provided that you explain your actions at the beginning of the meeting or item and make it clear that, having expressed the opinion or ward/local view.

8. LOBBYING BY MEMBERS

It is recognised that Members who represent a ward affected by a particular application are in a difficult position particularly if it is a controversial application around which a lot of lobbying takes place. There is a balance to be struck between the duties to be an active ward representative and the overriding duty as a Councillor to the whole community. In these circumstances;

Being a ward Member does not in itself constitute an interest in an application or create a risk of apparent bias. Providing the ward Member does not have a disclosable pecuniary interest or prejudicial interest in applications or providing there is nothing to indicate any risk of bias or predetermination, a ward Member's local knowledge may in fact give an additional insight to an application and its implications on the licensing objectives. Ward members may use their local knowledge to ask relevant questions and clarify facts.

9. SITE VISITS BY MEMBERS

Sites inspections are occasionally helpful in reaching a decision on issues where site circumstances are clearly fundamental to that decision as outlined below. Any site visit should be with the Sub-Committee/Panel and include officers, applicant, applicant's representative, objectors, and any other person present at the hearing.

Do ensure that you treat the site visit only as an opportunity of seeking information and to observe the site.

Do ask the officers questions and seek clarification from them on matters, which are relevant to the site inspection, but this is not the time for a debate.

Do not hear representations from any other party at the site visit.

Do not express opinions or views to anyone at a site visit.

Do not enter a site other than on an official site visit, even if it is in response to an invitation, as this may give the impression of bias.

Do stay with the rest of the Members officers and other parties during a site visit –it ensures that all members and persons affected by a decision see, hear and are able to comment on the site visit.

10. CONDUCT AT HEARINGS

10.1 Members of the Licensing Committee and Licensing and Appeals Board should not communicate directly with the applicant, licence holder, interested party or responsible authority either immediately prior to the hearing, during the hearing or after the hearing, other than publicly through the Chairman.

10.2 Officers at the Hearing should refrain from engaging with the other parties at the Hearing, other than to offer procedural or housekeeping advice.

10.3 Questioning of those present is to clarify arguments and views and care should be taken not to express a view at this stage of the hearing, nor to intimidate speakers.

10.4 Any material considered at the hearing, that does not comprise any material supplied by the Licensing Authority must be tabled through the Chairman and the nature of any such material must be clear to all present at the hearing and available for inspection.

10.5 All questions, comments and requests during the hearing must be directed through the Chairman.

11 MEMBERS RELATIONSHIP WITH OFFICERS

Do recognise and respect that officers in the processing and determining of licensing matters must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct. You should therefore appreciate that officer' views, opinions and recommendations will be based on their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions and decisions of a committee or its members.

Do consider the Council's protocol for member/officer relationships, which governs the working relationship you have with officers. This is a relationship based on mutual trust and courtesy, and all meetings should be guided by this principle.

12. DECISION MAKING BY MEMBERS

Do come to a meeting with an open mind on a matter and do demonstrate that you are open-minded.

Do make decisions in accordance with the Council's Licensing Policy and Statutory Objectives and guidance.

Do come to your decision only after due and proper consideration of all of the information reasonably required upon which to base a decision. If you feel that there is insufficient time to consider new information or there is insufficient information before you then you should request that further information and, if necessary, defer the application.

Do not ~~vote~~ or take part in a discussion at a meeting or make a decision unless you have been present for the entire meeting or for the whole of the matter in question. If a

member needs to leave a meeting for a short period, such as for a comfort break, that member should seek an adjournment.

Do ensure that the reasons you give for a decision are your reasons. You cannot ask an officer to give the reasons for you. An officer may assist in the drafting of your reasons.

Do not engage in social media or electronic communications, passing or receiving notes during the meeting.

13. SANCTIONS

A failure to adhere to the Code gives rise to potential consequences to individual Members. Any allegation of a serious breach of this Code should be made in writing to the Monitoring Officer.

Scrutiny and the Executive Protocol

Borough Council of
King's Lynn &
West Norfolk



A Guide to assist Members of the Council's Policy Review and Development Panels and Members of the Cabinet on the various ways in which Members are required to interact to enable the Authority to carry out an effective Scrutiny Function.

This protocol should be read in conjunction with the Scrutiny and Overview Guide, Members Code of Conduct, Member/Officer Protocol and the Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities published by the Ministry of Housing, Communities and Local Government (May 2019).

1. Purpose of the Protocol

This Protocol is designed to assist Members of the Council's Policy Review and Development Panels, Corporate Performance Panel and the Cabinet.

The Protocol aims to establish a positive framework and build upon the procedures laid out in the Constitution which exist to enable the Panels to work effectively. It aims to promote and maintain an ethos of mutual respect, trust and courtesy between Members, the Executive and officers and encourage openness and constructive, yet challenging when necessary, debates.

2. Role of the Panels in holding the Executive to account

One of the fundamental principles of Scrutiny is the ability to hold the Executive to account. Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities published by the Ministry of Housing, Communities and Local Government (May 2019) states that "Overview and Scrutiny Committees have statutory powers to scrutinise decisions the executive is planning to take, those it plans to implement, and those that have already been taken/implemented. Recommendations following scrutiny enable improvements to be made to policies and how they are implemented. Overview and scrutiny committees can also play a valuable role in developing policy".

What holding the Executive to account should be about:

- Providing a "critical friend" challenge.
- Challenging decisions and securing the best outcomes for the residents of the Borough.
- Examining the Cabinet's Forward Decisions List to identify forthcoming issues for Scrutiny.
- Working with the Executive to develop and scrutinise Council policies.

What holding the Executive to account should not be about:

- Confrontation
- Challenging individuals or personalities.
- Party politics
- Conducting a witch hunt

- Championing a personal agenda

More information on the role of the Panels is available in the Scrutiny and Overview Guide and the Council's Constitution.

3. The Relationship between the Executive and Scrutiny

The relationship between Cabinet and Scrutiny is governed in part by law and in part by the Council's Constitution. The purpose of this section is to set out the principles which should be followed by Cabinet and Panel Members.

The principles below set out how the working relationship between the Cabinet and the Panels should operate:

1. Cabinet and the Panels recognise that they each have different functions and responsibilities which can and should contribute to securing the best outcomes for the residents of the Borough.
2. Cabinet and Panel Members will work alongside each other in a positive manner.
3. Cabinet Members will recognise that Members have a number of rights such as call-ins.
4. All participants will look to work within a spirit of mutual respect and constructive challenge.
5. The relationship between Cabinet and the Panels will be open and transparent as far as possible.

4. The Executives Role in the Scrutiny Process

Call in

On occasions when members have successfully secured a 'call in' to the Corporate Performance Panel of either a Portfolio Holder or a Cabinet decision the process should operate as follows:

1. The appropriate Portfolio Holder must be invited by the Chair to the Corporate Performance Panel meeting at which the call in is to be considered.
2. An officer report will be prepared which sets out the decision made and the grounds upon which the call in has been granted by the Chief Executive.
3. The Proposer of the call in and their supporters will address the Corporate Performance Panel regarding the call in and why it should be upheld.
4. The relevant Portfolio Holder will make their case/submission to the Panel.
5. Officers will be invited to make a submission to the Panel.
6. The Panel will receive any submission to from members attending under Standing Order 34 and at the discretion of the Chair other interested parties invited to attend the meeting.
7. The Panel will debate the call in during which they may question or seek further information (through the Chair) from the Proposer, Portfolio Holder, Officers and if applicable interested parties.
8. The proposer of the call in has right of reply to the debate.

Following the debate the Panel will make its decision to either support the original (Cabinet/Portfolio Holder) recommendations or to uphold the call in.

For the avoidance of doubt other Cabinet Members who may be in attendance at the meeting in relation to other items on the agenda will not participate in the call in debate.

Scrutiny of decisions made, other than with regards to a call in

1. The appropriate Portfolio Holder should be invited by the Chair to attend the meeting.
2. The purpose of the Portfolio Holder attending is to answer questions posed by Panel Members with regards primarily to policy and/or political matters underpinning the decision made.
3. Officers will be present to answer questions posed by the Panel Members concerning technical issues underpinning the report/decision made.
4. The Panel Chair may invite the Portfolio Holder to set out the rationale and policy objectives which resulted in the report/proposal being brought forward.

For the avoidance of doubt the Portfolio Holder should not participate in the debate amongst Panel Members as it could be perceived that they were participating in the scrutiny of their own decisions.

The Executive role in the Policy Development Process of Panels

The purpose of the Panels becoming involved in Policy development is to facilitate a wider member involvement at an early stage, in the formulation of new policy proposals which, if ultimately taken forward will be determined by Cabinet and/or Council.

1. The relevant Portfolio Holder will normally be invited by the Chair
2. The Portfolio Holder will not be expected to 'lead' the Panel discussion or to make a presentation to the Panel.
3. The Portfolio Holder may at the Chair's invitation, be invited to comment/contribute to Panel discussions and/or workshops sessions.
4. Officers will be in attendance to provide information/data/etc. to assist the Panel in their deliberations if invited to do so by the Chair.

5. Role of Cabinet Members other than the Relevant Portfolio Holder in relation to both the Scrutiny and Policy Development roles of Panels

Any Cabinet Member wishing to speak on matters pertaining to another Cabinet Member's Portfolio responsibilities must have registered the interest to speak under S.O. 34 at least one clear day prior to the meeting in the same way as any other Members is required to do so

6. At the Meeting

Panels should seek to promote an atmosphere of openness and should strive to ensure that questioning and debate takes place within a climate of mutual respect and trust between all participants.

Panel Members should be prepared to ask searching and challenging questions of Cabinet Members and officers when necessary, but acknowledge that participants may not always be in a position to answer every question immediately.

The Chair of the meeting shall at all times ensure that the conduct of the meeting shall be fair and that all participants are treated courteously whilst promoting the Council's role in striving to improve services and monitor the effectiveness of Council policies.

Questions and responses should be clear and concise where possible and meetings should be carried out in a professional and business like, non aggressive manner.

7. Contact Information

Contact details for Cabinet Members and the Chair and Vice Chairs of the Panels are available on the Borough Council's website.

Democratic Services can be contacted at democratic.services@west-norfolk.gov.uk or by telephoning 01553 616394.

APPENDIX A

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



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

**Members' Allowances
Scheme 2021/25**

MEMBERS' ALLOWANCES SCHEME

The Borough Council of King's Lynn and West Norfolk, in exercise of the powers conferred by the Local Authorities (Members' Allowances (England)) Regulations 2003, makes the following scheme:

1. The Scheme

This Scheme, which is called the Borough Council of King's Lynn and West Norfolk Members' Allowances Scheme, was originally adopted commencing on 23 October 2003 and was approved for subsequent years.

2. In this Scheme

"Councillor" means an elected member of the Borough Council of King's Lynn and West Norfolk.

3. Basic Allowance

Subject to paragraph 9, which deals with part year entitlements, a Basic Allowance will be paid in instalments to each Councillor each year. The current rate is shown in Appendix A.

If a member is suspended or partially suspended from responsibilities or duties as a member of the Council in accordance with Part III of the Local Government Act 2000, or regulations made under that Part, the part of basic allowance payable in respect of the period for which the member is suspended or partially suspended will be withheld.

4. ICT Allowance

An ICT Allowance (current rate shown at Appendix A) is paid, in the same way and as a supplement to Basic Allowance, as a contribution towards costs Councillors may incur for the provision of home office facilities. Items covered might be broadband, mobile data, a printer plus ink and paper, etc. Each Councillor has the option to decide how best to spend this allowance

5. Special Responsibility Allowances

Each year a Special Responsibility Allowance will be paid to those Councillors who hold the special responsibilities that are specified in Appendix A.

Subject to paragraph 9, the amount of each allowance will be the amount specified in Appendix A.

A Councillor is only eligible to receive one Special Responsibility Allowance.

If a member is suspended or partially suspended from responsibilities or duties as a Member of the Council in accordance with Part III of the Local Government Act 2002, or regulations made under that Part, the Part of special responsibility allowance payable in respect of the responsibilities or duties from which the Member is suspended or partially suspended will be withheld.

6. Carers Allowance

A carers allowance will be paid towards the cost of care of dependent relatives (be they children, elderly people or people with disabilities). The amounts that can be claimed must reflect the sum incurred in employing a carer to enable a Councillor to carry out their Council work. The maximum claim levels are shown in Appendix B. All claims must be accompanied by evidence that the amount claimed has been incurred in employing a carer. A carer will be any responsible adult. Medical evidence must be provided for the need to pay the higher rate of allowance.

7. Co-Opted Members

Co-opted members are entitled to claim travelling, subsistence and carers allowances at the rates set out within this Scheme. A Co-optees Allowance is payable as determined by the Council. Any such allowances are shown in Appendix A.

8. Renunciation

A Councillor may elect to forego any part or all of their entitlement to an allowance under this Scheme by notifying the Democratic Services Manager in writing.

9. Part-year entitlements

If, during the course of a year:

- this Scheme is amended;
- or the amount payable is changed;
- or a Councillor becomes, or ceases to be, a Councillor;
- or a Councillor accepts or relinquishes a special responsibility for which a Special Responsibility Allowance is payable

entitlement to allowances will be calculated pro-rata **in accordance with the Regulations**, i.e. by reference to the number of days in the year in question. A year, for the purposes of this scheme, commences on 1 April.

10. Travel Allowance

This allowance is intended to reimburse expenditure necessarily incurred on all journeys undertaken on approved duties as set out in Appendix B. Mileage allowances will be those recommended by the Inland Revenue.

A journey for these purposes will start and end at a Councillor's permanent place of residence, usually the one that was used to demonstrate that the Councillor qualified to stand as a candidate. This may be amended if a Councillor makes a permanent move within the Borough. Should the Councillor make a permanent move to a place outside the Borough he/she may only claim from the nearest Borough boundary to the location of the approved duty unless it results in a shorter journey, for example where the approved duty is located outside the Borough boundary. A Councillor may not claim from a location other than their home address unless it results in a shorter journey.

Private Vehicles

Where travel is by car, motorcycle or bicycle an allowance is payable and the conditions applying are as follows:

- (a) a passenger supplement for official passengers is paid per passenger per mile, up to a maximum of 4 passengers;
- (b) Councillors will be responsible for ensuring that they have adequate insurance cover for business use and otherwise ensure that they have an appropriate licence to drive, that their vehicle has a current MOT and that vehicle tax has been paid at the time any journey is undertaken;
- (c) the rates payable are shown in Appendix B.

Hired Motor Vehicles (Taxi Cab)

The actual fee and any reasonable gratuity, will be paid in cases of urgency or where no convenient public service is available. Otherwise an allowance not exceeding the amount of the fare for travel by appropriate public service transport will be paid.

Hired Motor Vehicle (other than a Taxi Cab)

The actual cost of hiring for the period of Council duty will be paid.

Motorcycle

Travel by motorcycle will be reimbursed at the rate set out in Appendix B.

Bicycle

Travel by bicycle will be reimbursed at the rate set out in Appendix B.

Public Service Transport

By Bus

Actual fares paid will be reimbursed.

By Rail

Councillors should take advantage of low fares where possible but in any case standard class fare or actual fare paid (if less) will be reimbursed. Reimbursement of first class fare will be paid only where it is clearly in the Council's interest for a Councillor to travel first class and approval has been given in advance by the Chief Executive. Councillors may choose to travel first class travel at their own expense.

Councillors who are eligible to hold a Senior Citizens Rail Card and **regularly** travel by rail on formal Council business can purchase them specifically by prior agreement with the Democratic Services Manager and be reimbursed by the Council through the expenses claim mechanism.

Appropriate supplementary expenditure will be reimbursed such as seat reservation or a day ticket for travel on TfL London Underground

Air Travel

Subject to the prior agreement of the Chief Executive that the saving in time justifies payment of the fare for travel by air, there may be paid an amount not exceeding:-

the ordinary fare or any available cheap fare for travel by regular air service, or

in case of urgency, the fare actually paid by the Councillor.

If a member is suspended or partially suspended from responsibilities or duties as a member of the Council in accordance with Part III of the Local Government Act 2000, any travelling and subsistence allowance payable in respect of the responsibilities or duties from which the member is suspended or partially suspended will be withheld.

11. Subsistence Allowance

Subsistence allowances will be payable in connection with the carrying out of approved duties as set out in Appendix B and will be the same as, and linked to, the rates for officers. Allowances are only payable if expenditure has been incurred and any claim for subsistence must be supported by a receipt wherever possible. The circumstances in which this allowance is payable are as follows :

Meal Allowances

Breakfast Allowance - absence over 4 hours before 11.00am

Lunch Allowance - absence over 4 hours including lunch period between 12 noon and 2.00pm

Tea Allowance - absence over 4 hours including period 3.00pm to 6.00pm

Evening Meal Allowance - absence over 4 hours ending after 7.00pm.

Meals on Trains

When there is normal entitlement, as above, for day subsistence, the cost of main meals (i.e. breakfast, lunch, tea, dinner) taken on trains will be reimbursed. In such circumstances this reimbursement will replace the maximum entitlement to the day subsistence allowance for the appropriate meal provided receipts are submitted.

General

The time elapsed should be calculated on a "door to door" basis, but time spent on non-council business must be deducted.

Where a Councillor is provided with a meal the appropriate meal allowances cannot be claimed.

12. Duties performed for more than one body

A Councillor who is both a Borough Councillor and a Member of another local authority or public body may claim allowances from both authorities should he or she undertake two separate duties, one for each authority, on the same day. A member of the Borough Council who is also a member of another authority may not however claim from both authorities for undertaking the same duty. Councillors must take particular care to avoid duplication or overlap of claims for travelling and subsistence. Claims for duties undertaken for other Councils or public bodies should be sent to the Authority concerned and not included in claims on the Borough Council.

13. Official and Courtesy Visits

Provided they have been approved by the appropriate Council Body, official and courtesy visits by Councillors are eligible for travelling and subsistence claims at the rates set out in Appendix B if the journey is within the United Kingdom. If outside the United Kingdom, the travelling and subsistence expenses are limited to those which are reasonable in each circumstance.

14. Prior Approval

The appointment of a Councillor to a Panel, Committee, Sub-Committee or Working Group, etc, or as a representative of the Council on other bodies is deemed to satisfy the need for prior approval before a claim can be submitted.

15. Claims and Payments

A claim for travel, subsistence and carers allowances under this Scheme should be made each month, but in any event not less than quarterly. Councillors will be advised of the deadline for each month's payment and **Claims must be received by 12 noon on the day of the month so indicated** in order to be paid in that month .

Councillors who fail to submit a claim within 3 months of carrying out the duty or incurring the expense, and who have mitigating circumstances for not doing so, must submit their reason to the Chief Executive, who will consider whether the claim will be paid.

The basic and special responsibility allowances will be paid monthly in instalments of one-twelfth or the amount specified in this Scheme. Part year calculations, for example resulting from a change in office holder, will be adjusted for in the earliest payment(s) following the change. Allowances will not be withheld for any reason, for example if a change takes place too late to be adjusted for in that month's payment it will be adjusted for in the following month or months, depending on the amount of the adjustment.

Where a Councillor ceases to hold office any overpayment of allowances will be sought by alternative methods **except in the case of death in office**, in which case no claim for overpayment of allowances will be made on the deceased's estate.

If claims are made erroneously they will be amended by the Democratic Services Manager, and the Councillor concerned will be informed.

If a Councillor has been inadvertently overpaid under the terms of this Scheme, that Councillor will be advised of the situation and arrangements will be made for the recovery of the overpayment.

Claims for reimbursement of expenses incurred, including mileage, must be accompanied by a VAT receipt.

Councillors are reminded that responsibility for the accuracy and propriety of claims rests with the individual Councillor making the claim. The Council's Section 151 Officer reserves the right to audit Councillors' claims.

16. Records

A record will be kept of the payments made by the Council in accordance with this Scheme. The record will specify the name of the recipient and the amount and nature of each payment. This record will be available at all reasonable times for inspection (free of charge) by any local government elector for the Borough. The Scheme, together with current rates for each allowance, and amounts paid to each Councillor under the Scheme will be published on the Council's website. All such payments will be published annually and in the case of Travel, Subsistence and Carers' Allowances will be published monthly. The record will be supplied in to any person who requests such a copy and who pays such reasonable fees as the Council may determine.

17. Income Tax and Social Security Provisions

All fixed allowances, i.e. those that do not rely on expenditure being incurred, are classed as a taxable emolument for PAYE purposes and income tax and National Insurance contributions will be deducted as appropriate. Other allowances such as mileage are set within sums advised by HMRC as not liable to tax. In the case of Subsistence and Carers' Allowances, these are paid as reimbursement of sums incurred whilst wholly, necessarily and exclusively engaged on Council business.

ALLOWANCES FOR THE YEAR COMMENCING 1 APRIL 2023

ALLOWANCE	AMOUNT P.A.
ALLOWANCES PAID TO ALL COUNCILLORS	
Basic Allowance	£7,518
ICT Allowance	£204
SPECIAL RESPONSIBILITY ALLOWANCES	
<u>Leader of Council and Chairman of Cabinet</u>	£19,653
Deputy Leader	£10,809
Cabinet Members	£8,841
<u>3 Policy and Review Panels & Audit Committee</u>	
Chair	£2,751
Vice Chair	£1,104
<u>Planning Committee</u>	
Chair	£7,164
Vice Chair	£3,129
<u>Licensing and Appeals Board and Licensing Committee</u>	
Chair	£3,234
Vice Chair	£1,410
<u>Standards Committee</u>	
Chair	£984
Vice Chair	£393
Co-Optee	£255
Mayor	£7,431
Deputy Mayor	£2,598
Larger Opposition Group Leader	£984
Larger Opposition Group Deputy Leader	£435
Other Opposition Group Leader(s)	£588
Other Opposition Group Deputy Leader(s)	£270
Chairman of King's Lynn Area Consultative Committee	£360

APPROVED DUTIES FOR THE PURPOSE OF TRAVEL, SUBSISTENCE AND CARERS' ALLOWANCES

Allowances are only paid in respect of approved duties. Certain approved duties are set out in the statutes, and others specified by the Council. The relevant allowance for travelling, subsistence and carers allowance are payable for the following duties:

- (i) meetings of the Council
- (ii) meetings of the Cabinet of the Council
- (iii) meetings of any Scrutiny Groups and other formally constituted Bodies of the Council
- (iv) any other meeting the holding of which is authorised by the Council or the Cabinet or other formally constituted Body of the Council, provided that one or more minority party Members have been invited
- (v) meetings of bodies of which the Council is a member, a funder or a subscriber, and on which the Member is the nominated representative of the Council
- (vi) conferences, seminars or meetings approved by the appropriate Council Body or Board and open to all Members, the prime purpose of which is either to discuss matters relating to the interests and functions of the Council or inhabitants of the Borough, or to assist Members to understand and carry out their duties more effectively
- (vii) organised official visits within or outside the Borough, as approved in advance by the relevant Council Body, including deputations to government departments and meetings with MPs on Council business
- (viii) sifting meetings and site visits by Chairs and Vice Chairs in connection with agenda business and tender opening
- (ix) meetings of senior officers to which a Member is invited to deal with Council business

Travel (as per HMRC figures to be found on gov.uk)

Private Vehicles	45p per mile (0 - 10,000 miles, 25p thereafter)
Plus for every passenger (max 4) for whom a travel allowance would be payable	5p per mile
Public Transport	Actual cost not exceeding first class fare
Motor Bike	24p per mile
Bicycle	20p per mile

Maximum Subsistence Allowance for absence exceeding 4 hours from normal place of residence

Breakfast ending before 11.00am	£6.72
Lunch, including Noon - 2.00pm	£9.28
Tea, including 3.00pm - 6.00pm	£3.67
Dinner ending after 7.00pm	£11.49

Dependant Carers' Allowance – Reimbursement of actual cost to a maximum of the living wage hourly rate per hour for childcare, £8.91 rising to £9.50 from 1 Apr 2022. Up to £30.00 per hour for qualified Agency Care.

MEMBERS' ALLOWANCES – Income Tax and National Insurance Aspects

The amount of personal allowance and the bands that determine which rate is payable for tax purposes, and the rates of National Insurance contributions payable, varies in each tax year and Councillors are recommended to use gov.uk for this data, not least because there are too many variables to cover in this document. The rules for income tax are applied to the year that income was earned, not when it was paid, whereas National Insurance is due at whatever rate prevails at the time of payment.

Income Tax

Basic, Special Responsibility, Carers and ICT Allowances are classified as taxable emoluments under PAYE arrangements. Tax relief can be obtained for expenses incurred in the performance of the duties of a Borough Councillor to the extent that they are not specifically reimbursed. Councillors must liaise direct with HMRC in this regard.

Generally, expenditure incurred by Councillors in the course of their duties must have been wholly, necessarily and exclusively incurred and be supported by receipts however HMRC may consider partial tax relief for such things as household expenses because a Councillor's home is also his/her place of work.

It is up to each Councillor to negotiate any tax relief with HMRC as circumstances will vary person to person.

Income Tax will be deducted from Basic, Special Responsibility and Carers' Allowances at the rate as instructed by HMRC by way of issuing a tax code.

Councillors should bear in mind that there is no hard and fast rule for how much tax is payable as the amount due is determined by personal circumstances. HMRC will aggregate all taxable earnings and usually apply a personal allowance of tax free earnings to the main source. For example, a Councillor in other full time employment will be entitled to an annual tax free sum (personal allowance) which will be applied to those earnings. Councillor allowances will then be taxed in full at the standard or higher rate of tax, as appropriate.

Any enquiries relating to tax relief or any other tax query should be addressed to :

Pay As You Earn
HM Revenue & Customs
BX9 1AS
United Kingdom
Telephone number: 0300 2003300

This is a national call centre. Councillors in receipt of other taxable income such as a salary from their main place of work, a private pension or income from other sources are advised to have to hand their various HMRC reference or include them with any correspondence. The Council's reference is 531/W789

National Insurance

Basic, Special Responsibility and Carers Allowances also come within the definition of remuneration for National Insurance purposes. There are several defined limits relating to National Insurance below or above which no contributions are due. Payment of National

Insurance during a qualifying period also determines whether a Councillor qualifies for a variety of Statutory allowances such as Sick Pay and Maternity Pay. Where a Councillor does not qualify for such allowances there may still be other benefits that can be claimed.

Councillors in receipt of the state pension are not liable to pay National Insurance contributions. An exemption certificate or proof of age may be required to ensure such exemption is effected.

National Insurance contributions are due on each qualifying employment. Where payment in one or more employments is greater than the Upper Earnings Limit, i.e the maximum amount on which National Insurance contributions is payable, a dispensation may be applied for by contacting HMRC so that the total amount of National Insurance contributions does not exceed the maximum that would have been payable if there was just one employment.

Borough Council of
King's Lynn &
West Norfolk



FINANCIAL REGULATIONS

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Next Review due – June 2019

1. INTRODUCTION

- 1.1 These Regulations are intended to ensure that the Council meets its statutory obligations regarding financial management, especially in respect of the financial aspects of Corporate Governance. The Accounts and Audit Regulations require that there are arrangements in place to ensure that the Council has a sound system of internal control, which includes:
- Arrangements for the management of risk, in accordance with the Council's Risk Management Policy; and
 - Arrangements to conduct a review at least once a year of the effectiveness of its system of internal control, including an Annual Governance Statement with the annual statement of accounts, produced in accordance with the Accounts and Audit Regulations.
- 1.2 Throughout these regulations, references to:
- Chief Finance Officer refers to the Assistant Director (s151 Officer) or her delegated representative;
 - Council includes all wholly owned Local Authority Companies, where the regulations are adopted by the Company Board;
 - Cabinet, Council Body, Leader, Portfolio Holder, Head of Paid Service and Monitoring Officer are as defined in the Council's Constitution;
 - Members of staff or employees includes individuals who are acting on the Council's behalf, as consultants or contractors;
 - Management Team is the Chief Executive, Executive Directors and Assistant Directors;
 - Executive Directors includes Assistant Directors;
 - Audit Manager refers to the person recognised as undertaking the role of Chief Audit Executive to comply with the Public Sector Internal Audit Standards (PSIAS).
- 1.3 These regulations apply to all employees and Members of the Council as well as any consultant or contractor acting as if they were Council employees. All Members and employees have a general responsibility to provide for the security of Council assets under their control and for ensuring that the use of resources is legal, properly authorised and achieves best value.
- 1.4 Financial Regulations are to be used in conjunction with Contract Standing Orders and the Scheme of Delegation. The Chief Finance Officer, in consultation with the Monitoring Officer, shall determine any matter on which conflict may arise.
- 1.5 Every Executive Director must consult the Chief Finance Officer on any matter which would result in a variation to the overall budget agreed by Members at the annual budget meeting before any provisional or actual commitment is incurred.

- 1.6 The Chief Finance Officer, for the purposes of Section 151 of the Local Government Act 1972 and Section 114 of the Local Government Finance Act 1988 is responsible, under the general direction of the Cabinet, for the proper administration of the Council's financial affairs.
- 1.7 As the Council's financial and economic adviser, the Chief Finance Officer will report on the level of resources proposed to be utilised in each financial year and keep the Council informed regarding the Council's finances and financial performance.
- 1.8 The Council is responsible for periodically making and amending Financial Regulations as it considers necessary and desirable for supervising the finances, accounts, income, expenditure and assets of the Council. In accordance with the Council's Scheme of Delegation, minor amendments to these Regulations can be made by the Chief Executive, in consultation with the Leader.
- 1.9 Nothing in these Financial Regulations will prevent the Chief Executive, in consultation with the Leader, the Chief Finance Officer and the Monitoring Officer from incurring expenditure required to meet any immediate needs created by a sudden emergency under Section 138 of the Local Government Act 1972, subject to such action being reported to the Council as soon as practicable thereafter.
- 1.10 The Chief Finance Officer will, after consultation with the Head of Paid Service (the Chief Executive) and the Monitoring Officer, report to the Council's Standards Committee any identified unauthorised case of non-compliance with these Financial Regulations by a Council Member. The Chief Finance Officer and the Monitoring Officer will review with the Council's Standards Committee the application of Financial Regulations as part of the ethical health of the Council.
- 1.11 It is the responsibility of each Executive Director to ensure that all staff within their service area are aware of and comply with the requirements of these Financial Regulations. Failure to observe these Regulations may be classified as misconduct justifying disciplinary action.
- 1.12 All transactions must be carried out with regard to the Council's Anti-Fraud and Anti-Corruption Strategy. The Council's Whistleblowing Policy and Fraud Response plan provide a means to report and investigate cases of suspected fraud and corruption.

2. **AUDIT**

INTERNAL AUDIT

2.1 Under S151 of the Local Government Act 1972, the Chief Finance Officer must ensure that there are arrangements for the proper administration of the financial affairs.

The Accounts and Audit Regulations 2015 s5(1) more specifically require authorities to undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes, taking into account public sector auditing standards or guidance.

2.2 Internal Audit is an independent and objective appraisal function, established to review the systems of internal control. All internal audit work will be carried out in accordance with the Public Sector Internal Audit Standards (PSIAS) to examine, evaluate and report upon the adequacy of internal control as a contribution to the proper, economic, efficient and effective use of resources

2.3 Internal Auditors have the authority to:

- Access any Council premises, assets, records, documents and correspondence and control systems
- Receive any information and explanation related to any matter under consideration.
- Require any employee of the Council to account for any cash, stores or any other asset under his/her control.
- Access records belonging to third parties (e.g. contractors) when required.
- Directly access the Chief Executive, Leader and Audit Committee Chair.

2.4 Any officer or Member of the Council must, if required:

- Make available such documents or assets of the Council which appear to the auditor to be necessary for the purposes of the audit or investigation;
- Supply any auditor (whether internal or external) with such information and explanations as the auditor considers necessary for their purpose;
- Allow entry to auditors (whether internal or external) at all reasonable times to any Council premises or land.

2.5 Whenever any matter arises which involves or is thought to involve financial or other irregularity, the relevant Executive Director concerned must immediately notify the Chief Finance Officer, Monitoring Officer or the Audit Manager. These members of staff will take such steps as they consider necessary to investigate the matter, including notifying the police.

2.6 Where a member of staff identifies a potential fraud or irregularity, they should follow the guidance in the Council's Whistleblowing Policy and Anti-Fraud and Anti-Corruption Strategy.

- 2.7 Any such matter which involves, or is thought to involve, a Member of the Council, will be discussed by the Chief Finance Officer or Audit Manager with the Monitoring Officer and the Chief Executive, who together will decide what course of action then needs to be followed.

EXTERNAL AUDIT

- 2.8 The basic duties of the external auditor are to review and report on the Council's financial statements and the financial aspects of the Council's corporate governance arrangements. The external auditor must be satisfied that the Statement of Accounts give a 'true and fair view' of the financial position of the Council and its income and expenditure for the year in question, and complies with legal requirements.
- 2.9 External auditors will be appointed in accordance with the Local Audit and Accountability Act 2014 and subsequent related regulations, using an option agreed by Full Council.
- 2.10 The Council may, from time to time, also be subject to audit, inspection or investigation by other external bodies, such as HM Revenue and Customs, who have statutory rights of access.
- 2.11 The appointed external auditors and other statutory inspectors must be given reasonable access to premises, personnel, documents and assets considered necessary for the purposes of their work.

3. BUDGETS

- 3.1 The Council shall approve the Council's policy framework and budget in accordance with Article 4 of the Constitution.

PRUDENTIAL MANAGEMENT

- 3.2 Under s151 of the Local Government Act 1972, the Chief Finance Officer is responsible for the soundness of the Council's financial systems, the form of accounts and the supporting financial records. Changes made by any level of management to the existing financial systems or the establishment of new systems must be approved by the Chief Finance Officer.
- 3.3 The Chief Finance Officer, in consultation with Management Team, must each year produce and make public:
- A medium-term plan showing a five year forward assessment of all revenue commitments and
 - A medium term plan showing a five year projection of capital resources in line with the CIPFA Prudential Code.

- 3.4 The plans must reflect any known changes in service level resulting from changes in Council priorities arising from changes in legislation or policy, demographic trends or resources. Budgets must aim to ensure that resources are matched to agreed Council priorities and prudent level of reserves are maintained.
- 3.5 Executive Directors must, having consulted the Chief Finance Officer, ensure that Cabinet reports proposing new or increased spending contain the following information:
- the annual revenue consequences of any decision ;
 - the implications of the proposal on the medium-term plan
 - identification and evaluation of any financial risk implications.
- 3.6 Council approval is required for key decisions.
- 3.7 Where an Executive Director or portfolio holder proposes:
- (a) a new policy, or
 - (b) a variation of existing policy, or
 - (c) a variation in the means or timescale of implementing existing policy
- that affect or may affect the Council's finances, they must submit a report to the Cabinet, including any financial risk implications, which will then report the matter to the Council.
- 3.8 All budgets are subject to cash limits as set out in the Cash Limit Rules (Appendix 4). In the event of any budget likely to be overspent or income not achieved, the Management Team will be responsible for providing for a transfer of funding from elsewhere to compensate for any deficit. A holistic approach will be taken to ensure an overall balance is achieved and funds are not underutilised when operational activities require funding. The transfer of funding will be subject to the guidelines set out in Appendix 1 to these Regulations.
- 3.9 The Chief Finance Officer must ensure that the accounting arrangements to be adopted relating to any alternative delivery models are satisfactory. In conjunction with the Monitoring Officer, he must also consider whether the appropriate Executive Director has adequately considered the overall corporate governance and legal issues and that risks have been fully appraised when arranging contracts or formal agreements with external bodies.

- 3.10 Executive Directors shall control income and expenditure within their service area and monitor performance, taking account of the financial information provided by the Chief Finance Officer and advice received from the Financial Services Team. They shall report on variances within their own areas and take action to avoid exceeding their budget allocation, and alert the Chief Finance Officer to any problems.
- 3.11 Executive Directors shall ensure that:
- Their staff receive relevant training on the use of the financial systems as approved by the Chief Finance Officer.
 - Staff have been identified and authorised to act on that person's behalf in respect of payments, income collection and placing orders, together with limits of their authority.

REVENUE BUDGETS

- 3.12 The Chief Finance Officer will approve the detailed corporate form and content of revenue service estimates, in line with the general directions of the Cabinet and after consultation with Management Team.
- 3.13 The Chief Finance Officer must prepare revenue estimates of income and expenditure in conjunction with the Executive Directors. The estimates will be collated and submitted by the Chief Finance Officer to Management Team and then to the Cabinet with Management Team's comments. The report(s) will show how the estimates comply with the Council's approved financial plan. Approval of the budget is the function of the Council.
- 3.14 Copies of all proposed Cabinet reports must be passed to the Chief Finance Officer in sufficient time for her to adequately consider the budget implications of any proposals.
- 3.15 The Chief Finance Officer will provide each Executive Director and portfolio holder with details of receipts and payments under their control by means of a corporate financial management system. This is for the purpose of monitoring the budget heads under their control.
- 3.16 Portfolio holders may transfer monies in accordance with the Ground Rules for Budget Transfer (Appendix 1).
- 3.17 If an urgent or unanticipated revenue need arises, the proposal will be reported to Members as part of the monthly Budget Monitoring Report.

CAPITAL BUDGETS

- 3.18 Prior to the annual consideration of revenue estimates, the appropriate Executive Director and the Chief Finance Officer, in consultation with the relevant portfolio holder, must prepare and submit to the Cabinet a programme of estimated capital expenditure for consideration (the Capital Programme).

3.19 Expenditure is classified as capital expenditure when it results in the acquisition or construction of an asset that:

- (i) Will be held for use in the delivery of services.
- (ii) Is expected to be used during more than one financial year.

Subsequent expenditure on existing assets is also classed as capital expenditure if these two criteria are met.

There may be instances where expenditure does not meet this definition but would nevertheless be treated as capital expenditure, including:

- Where the Council has no direct future control or benefit from the resulting asset, but would have treated the expenditure as capital if it did control or benefit from the resulting assets.
- Where the Government has given explicit permission to capitalise expenditure that would not otherwise be classified as such.

3.20 The Cabinet will make recommendations as appropriate to the Council for final approval. Where new capital projects are proposed that have revenue implications, these must be assessed and included in the revenue budgets.

3.21 Once Council has approved the Capital Programme, the Executive Director concerned will be authorised:

- (a) to instruct the Property Services Manager to acquire, in due time, any land necessary for the purposes of the programme.
- (b) to prepare a detailed scheme and estimate including associated revenue expenditure. Any unanticipated Revenue implications, arising after approval of the scheme, must be dealt with in line with the Ground Rules for Budget Transfer (Appendix 1 of these Regulations).

3.22 If an urgent or unanticipated capital need arises, the proposal will be reported to Members as part of the monthly Budget Monitoring Report and included in the next Capital Programme update.

3.23 The Chief Finance Officer will provide Executive Directors with monthly financial monitoring statements in respect of each approved capital project including details of any known commitments.

4. ACCOUNTING

4.1 The Chief Finance Officer must approve all accounting procedures and records, including the implementation of any new ICT or automated accountancy system. Where these are maintained in a service area other than that of Financial Services, these will be agreed in consultation with the appropriate Executive Director.

- 4.2 Any member of staff intending to revise or replace any accounting procedure or record (including local procedures or records) must obtain the approval of the Chief Finance Officer beforehand.
- 4.3 At all times, the central accounting system will take precedence. Where local accounting records are maintained, these should be reconciled to the general ledger at regular intervals, in order to ensure that the two records accurately show the financial and associated information recorded in them are correct.
- 4.4 All accounts and accounting records of the Council (including local accounts or accounting records) will be compiled by or be under the direction of the Chief Finance Officer, with the annual accounts being produced within the time limit required by the relevant Accounts and Audit Regulations.

Officers are responsible for ensuring:

- all known items of expenditure are reported in the correct financial year;
 - items are coded to the appropriate codes to accurately record expenditure and income.
 - Any payments in kind are recorded fully, with no netting off.
- 4.5 An Executive Director or other responsible member of staff must ensure that expenditure and income under his/her control is properly accounted for and allocated to the correct budget. Budget holders must monitor their cost centre's performance throughout the year and discuss any major unanticipated discrepancies (either favourable or adverse) with the Chief Finance Officer at the earliest opportunity.
- 4.6 In order to provide an adequate separation of duties, the following principles must be observed in the allocation of accounting duties:
- (a) Individuals who identify, calculate, or record sums due to or from the Council should not, as far as is practically possible, collect or disburse them;
- (b) Staff examining or checking the accounts of the above transactions must not themselves undertake any of the duties shown in 4.6 (a) above.
- 4.7 All invoices or documents relating to financial transactions must be retained for the minimum period set out in the Corporate Retention Policy in order to ensure that the necessary records are available for audit or examination by external agencies, as required.
- 4.8 Executive Directors must supply required information in the form and within the time-scale required by the Chief Finance Officer for accounting purposes, in order to ensure that the financial transactions of the Council are recorded as soon and as accurately as possible.

5. BANKING ARRANGEMENTS AND CHEQUES

- 5.1 The Chief Finance Officer is responsible for all banking arrangements. No other employee or Member is authorised to open or operate a bank account on the Council's behalf.
- 5.2 The Chief Finance Officer is responsible for ordering and maintaining the safe custody of all cheque stationery and credit cards until allocated to authorised individuals.
- 5.3 Cheques on the Council's main bank accounts, including Girobank accounts, will bear the facsimile signature of the Chief Finance Officer or be signed by him or her or such other officer who has been authorised by her to do so.
- 5.4 Cheques for all payments exceeding £50,000 must be counter-signed by one of the employees authorised to do so by the Chief Finance Officer.
- 5.5 No alterations to cheques may be made.
- 5.6 The bank accounts will be reconciled to the accounting records every month.
- 5.7 Monies retained prior to banking must be accounted for using daily income returns (where appropriate) and held in a safe on the premises until collected or banked.
- 5.8 Where the amount of money held in a safe exceeds the level of cover currently available, the Insurance Officer must be informed.
- 5.9 Income returns (where appropriate) must be completed by and verified by a senior member of staff on a daily basis.
- 5.10 As each cash and cheque bag is handed to the courier service for banking, a receipt should be obtained indicating the value and bag reference number. All copies of cash collection paperwork must be retained.

6. TREASURY MANAGEMENT

- 6.1 Treasury Management will operate in accordance with the procedures and reporting requirements set down in CIPFA's "Code for Treasury Management in Local Authorities" and other appropriate codes. The Chief Finance Officer is responsible for all banking arrangements. No other employee or Member is authorised to open or operate a bank account on the Council's behalf.
- 6.2 All executive decisions on borrowing, investment or financing are delegated to the Chief Finance Officer. All money accruing to the Council must be aggregated for the purposes of treasury management and must be controlled by the Chief Finance Officer.

- 6.3 In accordance with the Code, the Chief Finance Officer must inform Cabinet of the activities of the treasury management operation at least half-yearly and on the exercise of treasury management powers delegated to her by 30th September of the succeeding financial year.
- 6.4 An Annual Treasury Management Strategy will be proposed by the Chief Financial Officer and presented to Council for approval after being considered through the Council's scrutiny process by March of the preceding financial year.
- 6.5 This Strategy is required to comply with CIPFA's Codes of Practice on Treasury Management and the Prudential Framework for Capital Finance, relevant Regulations and will set the parameters within which investment and borrowing activity will be managed during the forthcoming financial year.

7. INCOME

- 7.1 The Chief Finance Officer has overall responsibility for processing or collecting all income due to the Council. All income received will be recorded in a form approved by her and in accordance with the requirements of the Accounts and Audit Regulations. The preferred means of receiving payment is by electronic methods, in particular direct debit, and cheques must only be accepted as a last resort.
- 7.2 Each Executive Director must, for their service area, maintain comprehensive records as to work done, goods supplied, services rendered and amounts due to the Council as required by the Chief Finance Officer.
- 7.3 All invoices must be raised via the corporate system. Sufficient information to allow all amounts due to be correctly recorded and collected must be provided to the debtors function within 10 working days of the work being done or services rendered to enable an invoice to be raised.
- 7.4 Prompt, appropriate action will be taken to ensure all monies due to the Council are recovered in full, in a timely fashion. Where payment of outstanding monies is not forthcoming, action, including legal action, may be taken to recover and secure these sums.
- 7.5 In exceptional circumstances where electronic methods of payment are not used, all money received by a member of staff on behalf of the Council must be banked in its entirety (i.e. without any deductions) at the earliest opportunity (i.e. no more than one week from the date of receipt). All paying-in slips must show a reference to the related debt (such as the receipt number or the name of the debtor) or the origin of the cheque. The name of the relevant service area or a reference to the related debt must be written or printed on the reverse of each cheque.
- 7.6 Personal cheques must **not** be cashed out of money held on behalf of the Council.

- 7.8 Every transfer of official money from one member of staff to another must be recorded by the recipient and signed by both members of staff involved in the transaction.
- 7.9 The writing off of irrecoverable debts can only be authorised by the Chief Finance Officer in accordance with the Council's Scheme of Delegation, including authority as delegated by her.
- 7.10 Scales of fees and charges within the Council's control must be reviewed at least annually. The Council has delegated authority to the Executive Director of the appropriate services (in consultation with the Chief Finance Officer, the relevant portfolio holder and the Leader) to vary the charges having regard to market conditions and the Council's policy framework.

8. EMPLOYMENT STATUS INDICATOR (ESI)

- 8.1 Before placing an order with an individual it is compulsory to determine their employment status. The term 'employment status' refers to whether a worker (who we are more likely to term a supplier or contractor) is employed or self-employed. This affects the tax and National Insurance Contributions (NICs) that are due on their income. If this is not correctly determined it could lead to the Council having to pay extra tax, NICs, interest and possible penalties at a later stage.
- 8.2 Whether a person is employed by the Council or self-employed will depend on the terms and conditions of our working relationship with them and it is our responsibility for determining their employment status. Employment status is not a matter of choice for either the Council or the individual (the worker). It is a matter of fact, based on key terms and conditions of our working relationship with them. Even if a contractor/supplier says s/he is self-employed, if the facts indicate otherwise then the worker may be our employee.
- 8.3 The procedure is attached as **Appendix 3** and only applies to individuals for services, not for goods or limited companies.
- 8.4 Note that it is necessary to check the status **before** engaging the supplier and agreeing the contract/ terms of work being undertaken. The Council could be subject to penalties from HMRC for non-compliance.
- 8.5 **It is the responsibility of Service Managers to ensure compliance with this procedure for services within their areas of responsibility.**

9. CONSTRUCTION INDUSTRY SCHEME (CIS)

- 9.1 The Council is deemed to be a Contractor by HMRC. Therefore any supplier engaged to carry out works covered by the CIS Scheme is sub-contracting to the Council and must be registered for the Scheme. The Scheme covers a large spectrum of works, ranging from general building works to laying turf on sports fields.
- 9.2 As a contractor the Council is responsible for sending monthly returns to HMRC showing which suppliers have been engaged and also for sending any tax deductions made from the supplier to HMRC.
- 9.3 There are three types of sub-contractor:
- Gross – no deductions made
 - Net – 20% deductions made on labour
 - Net – 30% deductions made on labour.
- 9.4 Before engaging any suppliers, the Council needs to ensure they have registered for the Scheme. For this it is necessary to obtain their Unique Tax reference number, National Insurance number or Company Registration number. Financial Services will verify the supplier with HMRC to determine which type of sub-contractor they are.
- 9.5 Financial Services can provide a list of previously verified suppliers and the type of works they carry out. If you are unsure whether the works are covered by the scheme please ask before engaging the supplier as a deduction of 30% from the labour element of the supplier's invoices, if they are not registered.

10. ORDERS FOR WORK, GOODS AND SERVICES

- 10.1 All purchases must be made, or contracts let, in full compliance with the Council's Contract Standing Orders.
- 10.2 The requirements of European and domestic legislation must be followed where appropriate. For interpretation of the legislation, guidance should be sought from the Procurement Team.
- 10.3 Each order must conform to the directions of the Council with respect to central purchasing and the standardisation of supplies and materials where rules on these exist.
- 10.4 Orders must be raised using the Purchase Order Processing (POP) system. Manual orders can only be used in exceptional circumstances. Verbal orders may only be given as a matter of true urgency and must be confirmed by a POP order without delay, irrespective of the value of the order.

- 10.5 Orders must be placed in such a way as to ensure that the best interests of the Council are met. Under no circumstances must they be split or disaggregated to avoid the Council's requirements, EU competition requirements, Contract Standing Orders or these Financial Regulations.
- 10.6 Any requirement to comply with ESI (Financial Regulation 8) and CIS (Financial Regulation 9) must be considered before an order is raised.
- 10.7 The POP order must be raised prior to the goods or services being requested from the supplier to ensure the order number can be provided to the supplier to be included on the invoice.
- 10.8 Official orders must not be used for any personal or private purchases, nor must personal or private use be made of Council contracts.
- 10.9 Executive Directors can authorise staff to raise orders but this does not delegate their responsibility for official orders issued from their service.
- 10.10 The names of staff permitted to raise or authorise orders must be submitted to the Chief Finance Officer, together with agreed authorisation limits, and specimen signatures. Authorisation details must be amended as a result of any change of staff and/ or structure.
- 10.11 Each Executive Director is responsible for ensuring that the cost of orders are within the overall approved estimates and that Contract Standing Orders have been complied with, where appropriate. Where expenditure is incurred in an emergency, the relevant Executive Director is responsible for obtaining any subsequent authorisation that may be required.
- 10.12 Electronic ordering of goods and services via the internet may be undertaken by those officers who are either authorised signatories or authorised Council credit card holders. Invoices relating to goods or services ordered by these means must be processed through the Council's normal creditor payment method or by Council credit card. Refer to Section 13 on 'Use of Credit Cards'.
- 10.13 Orders must indicate clearly the quantity, quality and nature of the goods, works and services and the contract or agreed prices or rates. Any delivery charges, carriage or post and packing charges must be shown separately in the order.

If items are added subsequently to the order, the electronic order must also be amended to accurately reflect the revised quantities.
- 10.14 Where a Goods Received Note (GRN) or similar is received with delivered goods, this should be checked against delivery and either signed as correct or any discrepancies noted. If the goods cannot be readily checked, the GRN should be signed as unchecked.

- 10.15 Only the goods actually received should be booked in to the POP system and must be matched to the order. Goods Received Notes must be processed onto POP within 5 working days of receipt.
- 10.16 Any mismatches between the invoice and the order or goods received on POP will be returned to the officer who raised the order to resolve.
- 10.17 If, in exceptional circumstances, a paper order has been used, a copy must, if so required, be supplied to the Chief Finance Officer.

11. CONTRACTS FOR ICT

- 11.1 Any software/ hardware procurement over the value of £10,000 must be submitted to the ICT Development Group. Purchases under the value of £10,000 should be agreed with the ICT Manager before procurement. It will be the responsibility of the ICT Manager and/or the ICT Development Group to ensure that the process of ICT Governance is followed for each authorised project.

12. CONTRACTS FOR BUILDING, CONSTRUCTION OR ENGINEERING WORK

- 12.1 All contracts must be let in full compliance with the Council's Contract Standing Orders.
- 12.2 The requirements of European and domestic legislation must be followed where appropriate. For interpretation of the legislation, guidance should be sought from the Procurement Team.
- 12.3 Interim payments to contractors must only be made on a certificate issued by the appropriate Executive Director or authorised representative and must comply with all tax requirements. Payments may be made against interim valuations of the works undertaken to date or materials obtained and on site.
- 12.4 Where the contract payments are made by stage/ interim payments, a record must be kept by the Contract Manager to monitor payments made and amounts outstanding.
- 12.5 Subject to the provisions of the contract, every extra or variation must be authorised in writing by the appropriate Executive Director (or authorised representative) as appropriate and give an estimate of the additional cost or saving of the variation.
- 12.6 At the practical completion of the contract and before the issue of the final payment certificate, the appropriate member of staff, private architect, engineer or consultant must give the Chief Finance Officer a detailed financial statement of the contract, and all relevant supporting documents.

- 12.7 Where completion of a contract is delayed beyond the period of the contract, it is the duty of the Executive Director concerned to take appropriate remedial action. After consultation with the Chief Finance Officer and the Monitoring Officer, the agreed action taken must be reported to the Cabinet.

13. PAYMENT OF ACCOUNTS

- 13.1 Payments must **not** be made in advance of receipt of the goods, services or works, and must only be for the value of the goods received, services rendered or works completed.
- 13.2 Apart from petty cash accounts (see Financial Regulation 16) the normal method of payment of money due from the Council must be by electronic transfer (including Council credit cards). Payments must be undertaken by the Chief Finance Officer or, in the case of credit card payments, by the authorised Council credit card holder. In exceptional circumstances, where a supplier is unable to accept payment via BACS, a cheque will be issued by the Chief Finance Officer.
- 13.3 If in exceptional circumstances, a cheque is required, all payments exceeding £50,000 must be counter-signed by one of the employees authorised to do so by the Chief Finance Officer.
- 13.4 When recording on POP that the ordered goods or services have been received or before authorising payment, the authorising member of staff must be satisfied that:
- (a) The work, goods or services to which the invoice relates have been received, carried out, examined and approved;
 - (b) The prices, calculations, trade discounts, other allowances, credits and tax are correct;
 - (c) The relevant expenditure has been properly incurred and is within the relevant estimate provision;
 - (d) Appropriate entries have been made in inventories, stores records or stock books as required; and
 - (e) The invoice has not been previously passed for payment and is a proper liability of the Council.
- 13.5 If an invoice certification slip is required (in exceptional circumstances where a POP order has not been used), at least two members of staff must be involved – one person must not complete all sections of the certification slip. If one person completes all sections, the Chief Finance Officer may return the invoice to the relevant Executive Director for approval.

- 13.6 All discounts available from a supplier are to be taken as a deduction against the cost of goods purchased and must appear on the invoice. Where a supplier provides a free item, or where a discount is only available as goods, the free item or goods may be accepted and will become Council property. Arrangements for their use for Council purposes or disposal will be made by the Executive Director, who must maintain a record of items so acquired, and arrange as appropriate for their entry into stock, stores or inventory records or their disposal in accordance with these Financial Regulations.
- 13.7 Staff must not, under any circumstances, process anything which would result in a payment to themselves or their immediate family. Where it is intended that the Council pay a member of staff, the invoice(s) concerned must be checked and authorised by another approved member of staff.
- 13.8 Invoices may be examined and enquiries made and explanations sought to the extent that the Chief Finance Officer may require.
- 13.9 Invoices must be paid within Council-agreed or Government-dictated time limits, unless they are formally disputed. If an invoice is being disputed, Financial Services must be informed immediately.
- 13.10 Any amendment to an invoice must be made in a manner approved by the Chief Finance Officer, stating briefly the reasons where they are not self-evident.
- 13.11 Each budget holder must, as soon as possible after 31st March and not later than such date as agreed in the closure of accounts timetable each year, notify the Chief Finance Officer of all outstanding expenditure relating to the previous financial year for goods and services received in that year.

14. USE OF CREDIT CARDS

- 14.1 Council credit cards must only be used on an exception basis, unless authorised by an Executive Director and where it can be demonstrated that the transaction represents value for money or is financially advantageous.
- 14.2 Where arrangements exist, or can easily be set up with suppliers using the Purchase Order Processing (POP) system, Council credit cards must not be used. Where items are purchased on a regular basis, the Procurement Team must be contacted to add the suppliers to POP. Orders for work, goods and services must be made in accordance with Section 8 of Financial Regulations.
- 14.3 Use of Council credit cards for Internet purchases will only be authorised if the Procurement team agree that it is the most cost effective option.
- 14.4 VAT receipts must be obtained where relevant, including internet transactions, and attached to the Expenditure record Sheet.

- 14.5 Council credit cards must **not** be used for:
- minor items where petty cash would be more appropriate
 - for personal use. This includes subsistence expenses and petrol purchases when on Council business. These must be claimed through the payroll system
- 14.6 Use of **personal** credit cards during Council business is not permitted, except for legitimate subsistence expenses and petrol purchases, where such expenses are submitted to Personnel Services for reimbursement through the payroll system (refer to Section 16).
- 14.7 Personal gain from loyalty cards/ schemes must not arise from official purchasing using a Council credit card.

FAILURE TO COMPLY WITH THESE RESTRICTIONS MAY RESULT IN THE SUMS BEING RECOVERED FROM THE SALARY OF THE PERSON AUTHORISING THE EXPENDITURE.

Issue of the Card

- 14.8 Applications for a Council credit card must be made using the approved form available from Financial Services. The form must be signed by the Line Manager and submitted to the Chief Finance Officer, stating the need for the card. The Chief Finance Officer will only approve applications where the need can be verified and use of an existing Council credit card is not practical.
- 14.9 Upon receipt of the card, the named Cardholder should sign the lower part of the Business Credit Card Application Form. Their signature acknowledges receipt of the card/replacement card. On receipt of the card, this confirms agreement to abide by the 'Barclaycard Terms and Conditions' and the 'Business Credit Card Procedures'.

Responsibilities of the Cardholder

- 14.10 As stated in the Barclaycard Terms and Conditions, the cardholder must take all reasonable precautions to prevent fraudulent use of the card including the following:
- Sign the card immediately on receipt;
 - *DO NOT* let any other person use the card
 - *DO NOT* save card details on-line i.e. Paypal and Amazon
 - Treat the card like cash, never leave it unattended
- 14.11 If the card is lost, stolen or fraudulent use is suspected contact Financial Services immediately, who will arrange for the card to be cancelled. Should the Cardholder not report the loss immediately, any expenditure incurred between the time of loss and reporting will become the responsibility of the Cardholder, who will be expected to reimburse the Council in full.

- 14.12 When receiving a new card after expiry of the current one the Cardholder must sign to acknowledge its receipt, and return the out of date card to Financial Services.
- 14.13 Should the Cardholder leave the council's employment or transfer to a different section, it is their responsibility to notify Financial Services that the card is no longer required and return it before they leave. The card *MUST NOT* be left with someone else in the section to use.

Purchasing

- 14.14 Credit Card transactions should only be made by the named Cardholder. Use by anyone other than the Cardholder is prohibited.
- 14.15 The Cardholder must:
- Be aware of their credit limit and ensure it is not exceeded.
 - Only use the card within the validity period shown on the card.
 - Ensure the card is only used to make official purchases of services/goods for Council use.
 - Obtain receipts for all purchases; VAT receipts *must* be obtained where applicable.
- 14.16 Where the credit card is used to pay for working lunches or entertainment, it will be necessary to complete an attendance sheet. In the event that an attendance sheet is not submitted with the card payment details, the sum will be recovered through deduction from salary, from the individual authorising the spend.

Expenditure Record Sheet Completion

- 14.17 The expenditure record sheet must be completed with the following details and forwarded to Financial Services as soon as possible when requested each month.
- Date
 - Order Number/Delivery Note Number (where applicable)
 - Supplier
 - Brief Purchase Details
 - Net Purchase Price
 - VAT amount
 - Total Purchase Price
 - Confirmation or otherwise that VAT Receipt is attached
 - Expenditure codes (including VAT code)
- 14.18 Original receipts, order confirmation (if purchasing from the internet) must be attached as evidence of all expenditure.
- 14.19 Where applicable ensure that upon receipt delivery notes used for checking of goods are kept and matched to the subsequent invoices provided by the supplier.

- 14.20 Delivery notes must also be forwarded to Financial Services.
- 14.21 Valid VAT receipts are required to enable the Council to claim back VAT where applicable. This also applies to Internet purchases.
- 14.22 The Cardholder must sign the expenditure record sheet when completed. It must then be signed as approved by a senior officer. These two signatories *must* be different; the same person cannot sign and then authorise.
- 14.23 It is the duty of the authorising signatory to ensure that:
- the form has been completed correctly with all expenditure incurred being bona fide and that,
 - all appropriate records are submitted with the payment details, including VAT receipts and attendance records for hospitality events
 - any reimbursements due to the Council have been made, eg. where meal costs have exceeded allowances.
- 14.24 Where an Internet order has been placed using a Council credit card, the confirmation of the order must be attached to the expenditure form to ensure that there is a record within the Council of the purchase.

FAILURE TO ADHERE TO THESE PROCEDURES WILL RESULT IN THE CARD FACILITY BEING WITHDRAWN AND DISCIPLINARY ACTION MAY BE TAKEN.

15. GRANTS

TO EXTERNAL ORGANISATIONS

- 15.1 All grants made to external organisations or individuals must be subject to express approval by the relevant decision-maker(s) (normally an Executive Director or portfolio holder).
- 15.2 Where annual grants are made, a Service Level Agreement will be established with the organisation concerned to detail how the grant is to be used, together with such information about the organisation's finances and other matters (e.g. audited final accounts, business plans, etc.) as may be considered appropriate.
- 15.3 Organisations receiving grant aid must be required to permit access by the Chief Finance Officer or his representative(s), on reasonable notice, to their financial records and premises in order to enable him/ her to verify that the grant has been used in accordance with Council approval.

FROM EXTERNAL ORGANISATIONS

- 15.4 External funding is an important source of income to the Council, but funding conditions need to be carefully considered prior to entering into agreements, to ensure that:
- (a) They are compatible with the aims and objectives of the Council;
 - (b) The necessary procedures are in place to meet funding conditions and reporting requirements; and
 - (c) Appropriate budget provision is available if 'match funding' is required.
 - (d) Any revenue implications have been assessed and included in the revenue budgets.

Therefore all bids for external funding bids must notified to the Chief Finance Officer.

- 15.5 The Chief Finance Officer, in conjunction with Executive Directors must, as appropriate, ensure that all funding awarded or committed by external bodies is received and properly recorded in the Council's accounts. This will include ensuring that claims for funding are made by the due date, and in accordance with the funding conditions.
- 15.6 The Chief Finance Officer and Executive Directors must, as appropriate, satisfy audit requirements in respect of external funding claims. This includes maintaining appropriate records that accord with the funding conditions, and making these available to the auditors as required. Successful applications must be referred to the Audit Manager to consider any associated audit requirements.

Third party expenditure

- 15.7 Sometimes, grant funding awarded to the Council may be passed to an organisation falling outside of the direct responsibility of the Council. The Council will however remain accountable for the grant funding and, as such, will be responsible for ensuring that all of the terms of the grant are met.
- 15.8 The Executive Director in receipt of the grant must ensure that effective monitoring and reporting procedures are in place to provide assurances over the eligibility of expenditure incurred by the third party and the delivery of outcomes. Upon audit, if the eligibility of third party expenditure cannot be proven by the Council, the Council will itself usually be required to return the grant funding to the awarding body.

16. PETTY CASH ACCOUNTS and FLOATS

- 16.1 The Chief Finance Officer will provide petty cash accounts as appropriate to cover incidental office expenses.

- 16.3 Income received on behalf of the Council must not be paid into a petty cash account but must be banked or paid to the Council as required in Financial Regulation 5.
- 16.4 Petty cash expenditure on a single item is limited to £25, except where prior approval has been obtained from the Chief Finance Officer.
- 16.5 An appropriate VAT receipt must be obtained for all items of expenditure. Receipted vouchers, signed by the recipient of the reimbursement must support all expenditure.
- 16.6 Staff responsible for a petty cash account must keep adequate records to support expenditure, in a form approved by the Chief Finance Officer.
- 16.7 Staff responsible for a petty cash account must complete a year-end return.
- 16.8 Each Executive Director must arrange for a periodic (but not less than every six months) check of petty cash accounts under his/her control by a member of staff other than those directly responsible for the operation of the account.
- 16.9 Where the immediate need for a petty cash account or float ends, the petty cash or float holder must account to the Chief Finance Officer for the total amount advanced and pay the balance of the petty cash account or float back to the Council's main bank account.
- 16.10 Where the petty cash or float holder ceases to be the person responsible for it, the accuracy of the records and cash held must be agreed with their line manager.

17. SALARIES, WAGES AND PENSIONS

- 17.1 The Executive Director, Central and Community Services must be notified of all staff appointments, including those made on a casual, and all engagements of workers including those made on a consultancy basis or via an agency, to ensure correct tax records are maintained.
- 17.2 The Executive Director, Central and Community Services must make or arrange for the payment of all salaries, pensions, allowances, compensation and other such payments that are legitimately due to Members, employees, former Members and former employees of the Council. Under no circumstances can payments to staff and Members be made without the prior approval of the Executive Director, Central and Community Services, in order to ensure that the requirements of the HM Revenue and Customs (HMRC) are met.
- 17.3 The Executive Director, Central and Community Services must maintain complete records of all matters affecting the payments of such expenses and in particular:

- (a) Appointments, resignations, dismissals, suspensions, secondments and transfers;
 - (b) Absences from duty for sickness or other reasons, apart from approved leave;
 - (c) Changes in remuneration, including, but not restricted to changes in hours, acting up allowances, leased car, essential and casual user status, pay awards and other negotiated agreements which apply to staff generally;
 - (d) Information necessary to maintain records of service for superannuation, income tax, national insurance and the like.
- 17.4 Appointments of all employees must be made in accordance with Corporate Guidelines and the approved establishment, grades and rates of pay.
- 17.5 All time records or other pay documents must be in a form prescribed or approved by the Executive Director, Central and Community Services and must be certified by an appropriately authorised member of staff (NB Electronic signatures are accepted in the case of electronically submitted timesheets). The names of members of staff authorised to sign such records must be sent to the Executive Director, Central Services together with specimen signatures and must be amended to reflect any changes. A list of such authorised staff will be maintained by Personnel Services and re-drafted annually.
- 17.6 Executive Directors must ensure that overtime claims made by employees are made as a result of a true and complete record of work carried out by the employees concerned.
- 17.7 Members of staff must not certify their own claim forms. Any claim must be authorised by a more senior officer to the claimant.

18. TRAVELLING and SUBSISTENCE

- 18.1 Officers and Members (including co-opted Members of the Council and Council Bodies), who are entitled to claim travelling or other allowances, must submit their claims using the online 'Expenses on Demand' system.

VAT Receipts

- 18.2 The Council is required to hold VAT receipts in relation to business mileage undertaken by employees in order to be able to claim back VAT from HMRC. When HMRC inspect the Council's processes they will audit the receipts held against payments made and will impose penalties if the process specified below is not being followed. Therefore it is important that the requirement to submit receipts is complied with.

- 18.3 Officers and Members are required to submit sufficient VAT fuel receipts to cover the business journeys undertaken. These should be submitted via the drop-boxes provided, or via internal mail where a drop-box is not available. Random checks will be undertaken to ensure employees making mileage claims are submitting receipts.
- 18.4 Claims for reimbursement of expenditure such as parking, meal allowances, public transport etc. must be supported by attaching an electronic copy of the receipt to the online expense claim.
- 18.5 Receipts can be added to the drop box at any time during the month but must be submitted on or before the 8th (which is the deadline for mileage claims to be made). Each month, on the claim deadline, the receipts will be removed from the box and forwarded to Financial Services. There will be random checks to ensure that employees making mileage claims are submitting receipts.
- 18.6 The certification by an approved certifier will be taken to mean that the certifying member of staff is satisfied that the journeys were authorised, the expenses properly and necessarily incurred, appropriate receipts have been provided (where relevant) and the allowances properly payable by the Council.
- 18.7 Claims submitted more than three months after the expenses were incurred will be paid only in exceptional circumstances and with the express approval of the Executive Director, Central and Community Services.
- 18.8 All claims relating to a financial year must be submitted by the published payroll deadline date for April (i.e. claims for January, February and March each year must be submitted by the April payroll deadline) to ensure that claims are paid in the correct tax year.

19. INSURANCE

- 19.1 The Chief Finance Officer is responsible for arranging all insurance cover for the Council, and where appropriate negotiating all claims, in consultation with other members of staff as necessary.
- 19.2 Executive Directors must give prompt notification to the Chief Finance Officer of all new risks, contracts and projects and properties or vehicles that need to be insured and of any alterations affecting existing insurance arrangements. If in doubt, contact the Insurance Officer in Financial Services. This could include examples such as joint working arrangements, shared services, staff seconded to other organisations, work carried out on behalf of other organisations, services outsourced or brought back in-house. Any activities outside the remit of normal business activities and statutory duties of a local authority (e.g commercial purpose).

- 19.3 Executive Directors must immediately notify the Chief Finance Officer in writing or by completing an appropriate claim form of:
- any loss, liability or damage or any event likely to lead to a claim. The Chief Finance Officer and the Audit Manager must be informed of any case which appears may lead to criminal proceedings.
 - Any changes to existing services that may increase or decrease risk, any incidents or potential claims that arise, must be notified to the Chief Finance Officer within 5 working days of the change becoming apparent
- 19.4 All relevant employees of the Council are included in suitable fidelity guarantee insurance. For cover under this policy to be applicable, two suitable references must be obtained for all new employees.
- 19.5 On an ongoing basis, service managers must assess if the current insurance levels are fit for purpose and inform Financial Services of any changes.
- 19.6 Executive Directors must consult the Chief Finance Officer and the Monitoring Officer concerning the terms of any indemnity which the Council is requested to give.
- 19.7 Any employee who is providing professional services to another body on behalf of the Council, must contact the Insurance Officer to assess if professional indemnity cover is required.

20. STOCKS AND STORES

- 20.1 Each Executive Director must ensure the safe custody and physical control of the stocks and stores under his/her supervision.
- 20.2 Stocks must be maintained at an appropriate level for day-to-day delivery of the service, except in special circumstances with the approval of the relevant Executive Director.
- 20.3 Executive Directors must arrange for periodical test checks of stocks by persons other than storekeepers and must ensure that all stocks are checked at least once in every year.
- 20.4 All records and accounts relating to stocks and stores must be in a form approved by the Chief Finance Officer. Each responsible member of staff must supply the Chief Finance Officer with sufficient information relating to stocks and stores to allow for the proper accounting, costing and financial records of the Council to be prepared and maintained.
- 20.5 Any write-off of stock must be authorized by the budget holder and notified to the service accountant. The stock records must be amended accordingly with an appropriate explanation and the method of disposal noted.

21. **INVENTORIES**

- 21.1 The Chief Finance Officer will maintain an inventory, as described in the Inventory Procedures (**Appendix 2**), of a variety of items for the purpose of ensuring they are adequately and appropriately insured against loss, damage or theft. The ICT service will maintain a continuous inventory of all computer-related items.
- 21.2 Each Executive Director must advise the Chief Finance Officer, upon request, of any changes to the inventory list held by him/ her. Where valuable or highly attractive new equipment or other insurable item is either acquired or disposed of (by whatever means), the Chief Finance Officer must be advised accordingly in order to ensure they are insured appropriately.
- 21.3 Except in accordance with specific directions issued by the Executive Director concerned, Council property may only be removed from Council premises in accordance with the ordinary course of the Council's business for the Council's purposes.
- 21.4 Year-end notifications must be returned to Financial Services by 30th April.

22. **DISPOSALS (except Land and Property Assets)**

- 22.1 Before an item is disposed of, consideration should be given as to whether there is a use for the item elsewhere within the Council.
- 22.2 Any asset or item of stock deemed obsolete or surplus to requirements must, where the expected loss on disposal is no more than £2,500, be sold or disposed of on the authorisation of the responsible Executive Director.

Where the expected loss on disposal exceeds £2,500, the approval of the Chief Finance Officer must also be obtained.

All items with a significant market value should be disposed of via public auction (other than land, which is to be disposed of in accordance with Contract Standing Orders).

- 22.3 It is the responsibility of each Executive Director to establish that legal title rests with the Council prior to the disposal of any item.
- 22.4 Leased items should be returned to the lessor at the end of the lease term.
- 22.5 Wherever an item is disposed of, the appropriate stock or inventory record must be updated to reflect the disposal.
- 22.6 When disposing of ICT assets, the processes in the ICT Asset Disposal document must be applied. The (non-exclusive) list of assets to be included under this policy includes hardware such as Servers, PCs, Laptops, Tablets,

Monitors, Printers, Scanners, Handheld Devices, Cabling and Software and data held on removable media such as CDs and DVDs. If in any doubt as to whether an item falls within the parameters of the document, consult with the ICT Manager.

23. LAND AND PROPERTY ASSETS

- 23.1 The Property Services Manager will maintain an estates management record of all the Council's land and property interests, stating the purposes for which the land is held, the location, the extent and plan reference, purchase details, particulars or nature of interest, rents payable and particulars of tenancies granted. This will include land and property under lease or rent.
- 23.2 The Monitoring Officer will keep all title deeds in a secure location.
- 23.3 All acquisitions and disposals of land must be undertaken in compliance with the Council's Contract Standing Orders.
- 23.4 Where land or property is disposed of at or below the current market value or in any exchange, this must comply with the requirements of the relevant legislation, as updated by the latest Statutory Instrument or Consent.
- 23.5 All disposals of Council land and property must be promptly notified to the Property Services Manager to ensure the record of interests is maintained accurately, and to Financial Services.

24. COMPUTER SECURITY

- 24.1 The ICT Manager is responsible for maintaining the proper security and privacy of electronic information held on the Council's network and any associated storage media or for its use. Executive Directors are responsible for maintaining the proper security and privacy of information held in user applications for which they are responsible, in conjunction with the ICT Manager.
- 24.2 The ICT Manager is responsible for ensuring that procedures are adhered to for maintaining the privacy and security of all computerised data held by the Council in electronic form, as set out in the ICT Policy Documents.
- 24.3 Each Executive Director is responsible for notifying the Data Protection Officer and the Chief Finance Officer of all new computer applications and administrative records and procedures so they can be assessed for notification under the Data Protection Act and compliance with ICT Governance.
- 24.4 The ICT Manager will be responsible for co-ordinating the necessary audit required to maintain PCI-DSS compliance.

25. SECURITY - GENERAL

- 25.1 Each Executive Director is responsible for maintaining proper security at all times for all buildings, stocks, stores, furniture, equipment, cash, etc. under his/her control. He/she must consult the Chief Finance Officer in any case where security is thought to be inadequate or where it is considered that special security arrangements are necessary.
- 25.2 Maximum limits for cash holdings must be agreed with the Chief Finance Officer and must not be exceeded without her express permission.
- 25.3 Keys to safes and similar receptacles are to be with the designated keyholder at all times. Such keys must not be left on site when the premises are not occupied by Council staff, unless expressly approved by the Chief Finance Officer. The loss of any such keys must be reported to the Chief Finance Officer as soon as their loss has been noticed.
- 25.4 Each Executive Director must ensure that personal data that no longer needs to be retained is securely and confidentially disposed of.
- 25.5 Where staff keep money on Council premises for activities such as sweepstakes, lottery syndicates and collections, they do so at their own risk and the Council cannot take responsibility for its security.

GROUND RULES FOR BUDGET TRANSFERS

1. These Ground Rules apply where:
 - (a) an expenditure budget is going to be exceeded or there will be a shortfall in income
 - (b) there will be a saving on expenditure or additional income has been generated and an Executive Director wishes to utilise it.

2. Expenditure on capital financing costs, and support services (including computers) and interest on capital receipts fall outside these ground rules.

3. For the purpose of these Ground Rules, the following definitions apply:
 - (a) Transfer means the movement of budgetary provision between budget heads. A budget head is defined as a line appearing in a service budget.
 - (b) Portfolio Holder will be taken to mean the Councillor who is responsible for an area of the Council's activities as agreed by Council.
 - (c) Executive Director means a member of the Council's Management Team and who is responsible for managing any of the Council's functions, as defined in the Council's Constitution.
 - (d) "Key decisions" are as defined in the Council's constitution as an executive decision which is likely to:
 - (i) result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council 's budget for the service or function to which the decision relates; or
 - (ii) be significant in terms of their effect on communities living or working in the area comprising two or more wards and electoral divisions in the Council's area.

N.B. Significant under (i) above is defined as being greater than £500,000
 Significant under (ii) above is one third of the resident population in a ward.

4. The procedures for dealing with transfers are as follows:

Up to £500,000	The portfolio holder(s) has (have) delegated authority subject to the action not being considered a key decision.
Over £500,000	Cabinet to approve

5. When completing a transfer of budget provision using delegated authority, the Exercise of Delegated Authority form must be completed.
6. In addition, all cases of transfer of budget provision will be recorded by the Chief Finance Officer.
7. Budget transfers shall only be undertaken if:
 - (a) the proposed savings or additional income to fund any overspend are achievable.
 - (b) the additional expenditure will, in fact, arise and the particular budget will not then be overspent or the expected income will be achieved to finance the budget transfer.
 - (c) The total of the budget based upon a portfolio holder's area of responsibility will not be overspent.
8. Savings in non-recurring expenditure or additional income should not be used to finance additional recurring expenditure.
9. Transfers must not be made into permanent staffing budgets.
10. Savings on staffing budgets can be used for non-recurring costs where they arise from a positive decision to produce savings.
11. Transfers made across portfolio areas will be subject to agreement of all relevant portfolio holders.

Transfers from reserves

12. Where a reserve exists for a specific purpose (e.g. a renewal or repair reserve), the Chief Finance Officer may withdraw funds from that reserve, PROVIDED THAT the withdrawals to finance an item or items of expenditure related to the reasons for the existence of the reserve, up to a value of £100,000 per annum. Any necessary withdrawal that exceeds this amount additionally required the approval of the relevant portfolio holder.
13. Decisions involving additional resources from ear-marked reserves may be made by any portfolio holder up to a maximum of £50,000 per Portfolio Holder in any financial year, subject to compliance with Financial Regulations.
14. Any use of reserves as described above must be reported in the next monthly budget monitoring report.
15. Where any decision has been made without regard to Financial Regulations and it is noted prior to the commitment or spending, the Chief Finance Officer and the Monitoring Officer will have the authority to defer the payment until further discussions have been undertaken with the relevant portfolio holder.

INVENTORY PROCEDURES

Purpose

Inventories are necessary to enable the Council to keep accurate records of equipment for accounting purposes and also to assist with planning future replacements. In order to compile and maintain a complete and accurate corporate register, it is necessary to have a minimum amount of information supplied on a consistent basis by all relevant areas of the Council. This document is intended to provide guidance on what information is required and how it should be recorded.

Operation

Each Executive Director will decide how their service area should be divided up for the purposes of maintaining relevant inventories. A person will be nominated in each section to own and maintain the inventory.

On an annual basis that person will be asked by Financial Services to check the accuracy of the inventory and either confirm the current status or provide details of changes by 30th April.

Records

The attached document gives guidance on items that should or should not be included on the inventory. An initial check should be made to ensure all relevant existing equipment is recorded. New equipment should be added as soon as it is purchased.

A spreadsheet is attached that collects the minimum amount of information required. If necessary sections can be added to the right hand side of the spreadsheet to record further information to suit their own purpose, but do not make it over complicated.

If you have any questions, please contact Financial Services

INVENTORY REQUIREMENTS

1. Items NOT to be included in Inventories

1.1 Personal computers/ related hardware/ software

All personal computers and related hardware and software will be entered in an inventory maintained by ICT. There is no need to enter such items in other inventories. This will include laptops, mobile phones and PDA's.

NB All such equipment based on Council property and covered by Council insurance must only be purchased via ICT.

1.2 Office Furniture

Standard office furniture should not be included in inventories.

1.3 **Property related Equipment**

Fixed plant items that are maintained by Property Services, such as boilers and air conditioning units, should not be included in the inventory. For further information on what is covered by Property Services, please contact Allison Bingham, ext 6743.

1.4 **Vehicles**

These are purchased through the Capital Scheme and therefore already entered on to the Asset Register by Accountancy.

2. **Items to be included in Inventories**

2.1 **Capital Equipment**

Where equipment has been purchased as part of a capital scheme, the initial details will be recorded on the corporate inventory by Accountancy. However, when such equipment is replaced, the method of the disposal and details of replacement equipment must be entered on to the relevant section inventory as described in this document.

2.2 **Historical artifacts**

Paintings and historical artifacts should be recorded on a specific inventory and re-valued every 3 years by a reputable valuer experienced in such items.

2.3 **Other equipment**

- Equipment which falls outside the definitions given above must be included in inventories if the replacement value is estimated to be more than £1,000.
- Equipment which is owned by the Council, but not located on Council premises (e.g. tools kept in vans), must be included in the inventory arrangements.
- Equipment whose replacement value is estimated to be less than £1,000 but which is considered to be 'portable and attractive' may be included at the discretion of the Director. This may be items such as, but not limited to, cameras, monitoring equipment and tools.

2.4 **Leased equipment.**

Under new accounting rules, it is important that leases are classified correctly and therefore you will need to contact Accountancy if an agreement is referred to as a 'lease'. Accountancy will want to establish if it is a Finance lease or an Operating lease and some notes are included in Section 4 to help you understand the difference.

3.0 Format of the Inventory

3.1 The inventory should be kept in the format attached which records:

- a) The item
- b) Any serial number or any other such unique identifier
- c) A description
- d) Responsible officer
- e) The date of acquisition where known. (See note 3.2 below)
- f) The initial cost (See note 3.2 below)
- g) The estimated replacement date
- h) The date of disposal (where items have been disposed of).
- i) Free text area to make any further comments or to note the method of disposal (note 3.3 below)

3.2 Where an item has been owned prior to the introduction of the inventory and the initial date of purchase and cost is not known, it is acceptable to enter 'pre-December 2010'. For all future purchases, a date and value must be entered.

3.3 When an item is disposed of, the means and details of disposal must be recorded in the free text column.

3.4 Once completed a copy of the inventory should be sent to Financial Services. On an annual basis you will be asked to confirm the accuracy of the inventory, or provide an amended version, which should be signed and dated.

4.0 Leases

4.1 From April 2011, the Council has to present its Statement of Accounts in a revised format to comply with the International Financial Reporting Standards (IFRS). Part of this requires us to classify Leases as either:

- Finance, or
- Operating

4.2 A lease is classified as a finance lease if it transfers substantially all the risks and rewards incident to ownership. All other leases are classified as operating leases. Classification is made at the inception (beginning) of the lease.' *Summaries of International reporting Standards, Deloitte.*

4.3 Finance Leases

Situations that would normally lead to a lease being classified as a finance lease include the following:

- The lease transfers ownership of the asset to the lessee by the end of the lease term. At the end of the lease, the council will become the owner of the asset.

- The lessee has the option to purchase the asset at a price which is expected to be sufficiently lower than fair value at the date the option becomes exercisable that, at the beginning of the lease, it is reasonably certain that the option will be exercised. At the end of the lease, the council can buy the asset at a low price, and this was known from the start of the lease.
- The lease term is for the major part of the economic life of the asset, even if title is not transferred. By the end of the lease, the asset is worn out.
- At the beginning of the lease, the present value of the minimum lease payments amounts to at least substantially all of the fair value of the leased asset. It is known from the start of the lease that the payments would amount to the cost of the asset.
- The lease assets are of a specialised nature such that only the lessee can use them without major modifications being made. It is something only this council could realistically use.
- If the lessee is entitled to cancel the lease, the lessor's losses associated with the cancellation are borne by the lessee. If the council exercises the right to cancel the lease, we have to pay any losses that the other party incurs as a result.
- The lessee has the ability to continue the lease for a secondary period at a rent that is substantially lower than market rent. The council can extend the period of the lease at a much lower rent than normal.

In each case, we are effectively buying the benefits of the whole asset over time by paying for it gradually.

If the terms of the lease do not match any of the above, then the lease is an Operating lease.

As stated before, please contact Financial Services if you think an agreement you are entering in to is a lease.

New suppliers being used by a Service Area for the first time

The Service Manager of an area where a payment will be made to a supplier for the first time will be responsible for undertaking the necessary check to confirm the employment status of the individual concerned **before** engaging the supplier and agreeing the contract/terms of the work being undertaken.

To confirm the employment status of the individual concerned the Service Manager must:

1. Go to the HMRC's employment status indicator tool on their web-site <http://www.hmrc.gov.uk/calcs/esi.htm>.
2. Complete the tool by carefully answering the questions posed. The initial questions are detailed below:

Initial details

Please answer the questions marked with a *

What is the customer role? ENGAGER

Is the enquiry in relation to a future contract? YES

What is the worker's current employment status? NOT KNOWN

Work details

Please answer the questions marked with a *

Engager's business: PUBLIC SECTOR-OTHER

OTHER (Alive Leisure should select this option)

If other, please enter description here: Alive Leisure to complete as LEISURE TRUST

Trade details

Please answer the questions marked with a *

Trade of worker: SELECT FROM DROP DOWN BOX, IF UNKNOWN

SELECT OTHER, THEN COMPLETE DETAILS IN DESCRIPTION BOX

Continue to complete each of the following questions as per details of contract until you receive the Employment Status Indicator Result screen.

3. Print the Employment Status Indicator Result when this page is reached, an example of the screen is detailed below:

ESI Reference: ***** **Close Enquiry Details Summary**

Employment Status Indicator Result

Based on the information you have provided, **the worker is self-employed.**

The result is based on the following grounds:

Version: 1.3.0.2

The worker is self-employed. [Why ?]

There is a high indication of substitution. [Why ?]

Printer-friendly version

4. Print the relevant enquiry details page (found by clicking the words 'Enquiry Details' in the top right hand corner of the page) to provide evidence of the information used to determine the employment status result.
5. Complete, sign and date the Council's 'ESI Declaration form', available on Insite. Attach the form to the pages printed from the HMRC web-site.
6. If the employment status result confirms that the individual is self employed, and the supplier is being used for the first time, the Service Manager must:
 - a. Complete the Council's "New Supplier Form" (copy attached) in full including signing and dating the form.
 - b. E-mail the completed form to Procurement procurementtenders@west-norfolk.gov.uk for approval.
 - c. Attach the ESI declaration and pages printed from the HMRC web-site to the completed New Supplier Form.
 - d. Retain a copy (preferably scanned) of all paperwork, you will need to refer to these in the future.
 - e. Send the original versions of all paperwork to Financial Services, for the attention of Kerry Lovick.
 - f. Financial Services will issue a new supplier number once the correctly and fully completed paperwork has been received.

If the employment status result states that the individual is an employee the Service Manager must contact the Personnel Services Manager/Payroll and Systems Administrator immediately and forward the original versions of the ESI declaration and pages printed from HMRC web-site to Personnel.

Processing Payments To A New Supplier For The First Time

- When the first invoice is received for your new supplier (or for the new purpose/task/service provided by an existing supplier) you must write the appropriate HMRC 'ESI Reference' (found on the Employment Status indicator result page, see section 3 above) on the top of the invoice prior to forwarding to Financial Services for payment.
- **UNDER NO CIRCUMSTANCES WILL INVOICES TO INDIVIDUALS BE PAID WITHOUT THE RELEVANT ESI REFERENCE NUMBER BEING PROVIDED.**
- If a Service Manager is in any doubt as to whether an ESI Reference has been provided to Financial Services for a particular supplier, or has any doubt whether the employment status check undertaken for a supplier relates to the same services/tasks being performed **THE EMPLOYMENT STATUS INDICATOR TOOL MUST BE COMPLETED AND THE NEW ESI REFERENCE SUPPLIED.**

Processing POP Orders

Those placing POP orders must follow the procedure outlined above in full, including:

- completing the Employment Status Indicator tool and printing the results sheets
- attaching to a completed ESI declaration form
- completing the New Supplier Form if this is a new supplier,
- sending all paperwork to Financial Services

– this must be undertaken before an invoice for the order can be paid.

Existing Suppliers

To assist with the transition to this new arrangement for paying suppliers, Financial Services are completing the Employment Status Indicator tool for a number of existing individual suppliers who regularly undertake work for the Council. A list of the suppliers that have been checked, and the details of purpose/tasks/services they have been checked for, will be made available on Insite.

If you receive an invoice from an existing supplier please check against this list to ensure the answers given on the ESI tool apply to the purpose/task/service you have engaged them for. If so you may use the ESI Reference number stated rather than

complete the ESI tool yourself. Please write the relevant ESI number on the top of the invoice you wish to be paid prior to sending to Financial Services.

If you have any doubt as to whether the purpose/tasks/services being undertaken are the same – you must complete the ESI tool and ESI declaration, and notify Financial Services of the resulting reference number.

If you have an invoice to pay for an existing supplier who is not on the list you must:

1. Complete the ESI tool on the HMRC website,
2. Print the Employment Status Indicator Result page and the relevant enquiry details page (found by clicking the words 'Enquiry Details' in the top right hand corner of the page)
3. Complete, date and sign the ESI declaration including supplier number and (where appropriate) POP order number.
4. Retain copies of above paperwork for your records
5. Forward original versions of above paperwork to Financial Services for the attention of Kerry Lovick.

Cash Limits

In all cases the Budget Cash Limit will be seen to be the ‘bottom line’ of a service cost centre as presented in the Financial Plan 2015/2020 and the financial ledger.

It will be the responsibility of the Assistant Director to make sure that any anticipated overspending in a cost centre, as a first option, is compensated by a reduction in the same service area. In the event that this is not possible the Assistant Director must as a second option look for compensating reductions within another service area under their responsibility. (It is accepted that this may mean changes across Portfolios).

If this is not possible then the Assistant Director must report the circumstances to the Management Team requesting the forecast overspend to be met from corporate resources.

The decision on how to meet the shortfall will be made by Management Team in consultation with the portfolio holder for Resources, before the overspending is authorised.

These cash limits rules will not apply to elements of the budget that are ‘outside’ of the control of the service manager. These will include;

- rent and rates
- insurances
- benefit payments
- support service charges
- capital financing
- asset rentals
- interest on capital receipts

Where there are increase/reductions in the above, it will be necessary for the Assistant Director to report to Management Team and complete the appropriate Exercise of Delegated Authority (EDA) form or Cabinet report.

In all other cases the cash limits rules will apply although Management Team, in consultation with the portfolio holder for Resources, will consider exceptions in particular cases. (As an example, this may be the case where the pressure comes from reduced levels of income from ‘demand led’ services).

In all cases Financial Regulations require the Assistant Director to gain Portfolio Holder(s) approval for them to complete the EDA form. A copy of the form must be sent to the Assistant Director for adjustments to be made to the budget records in the financial ledger.

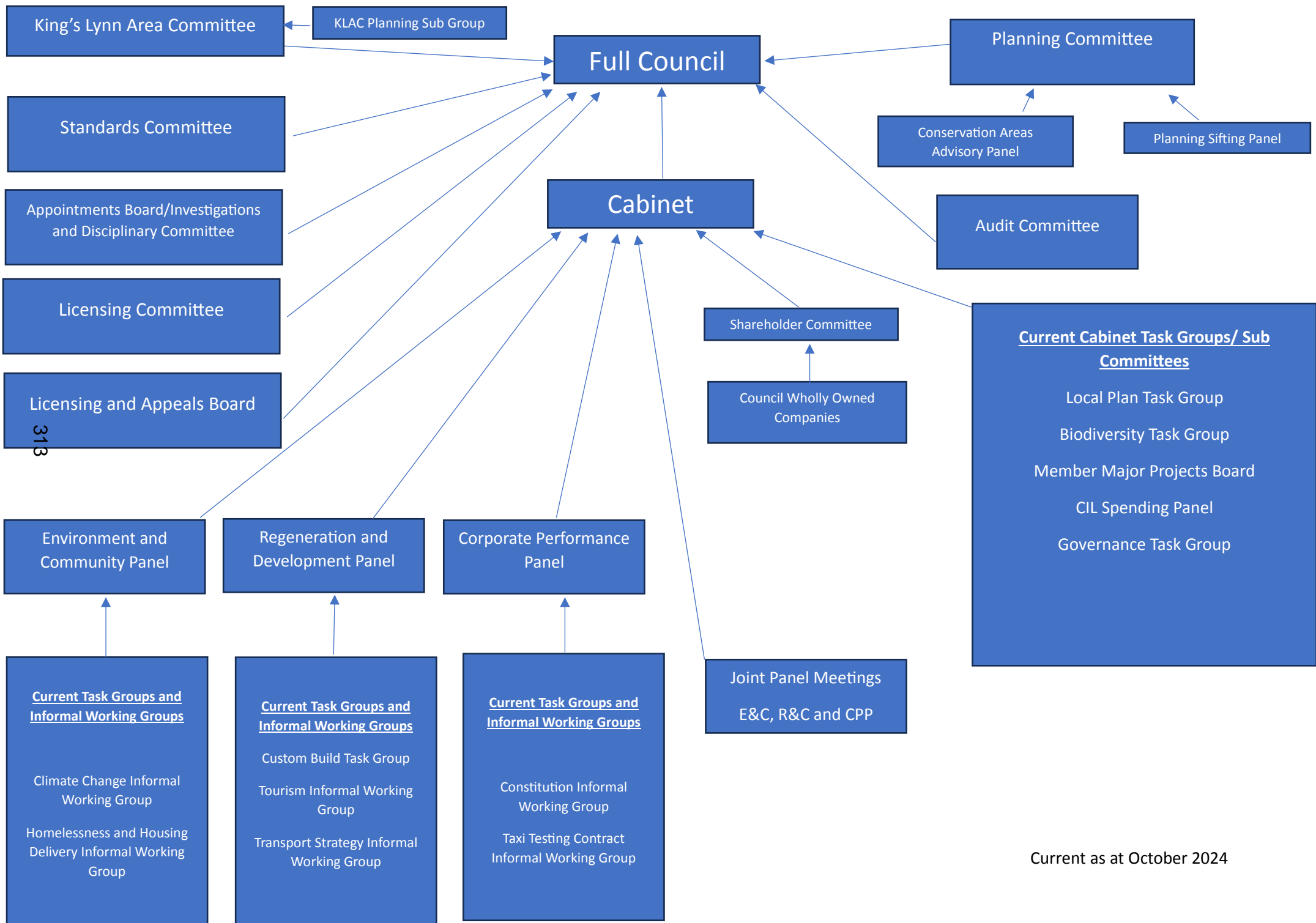
Any budget transfer with a value of £500,000 or above is a ‘key decision’ and must be subject of a report to Cabinet.

In dealing with the overspending it will be the responsibility of the Assistant Director to identify compensating reductions within one month of the issue being identified. This will form part of the Monthly Monitoring Report.

As a reminder, the Financial Regulations state;

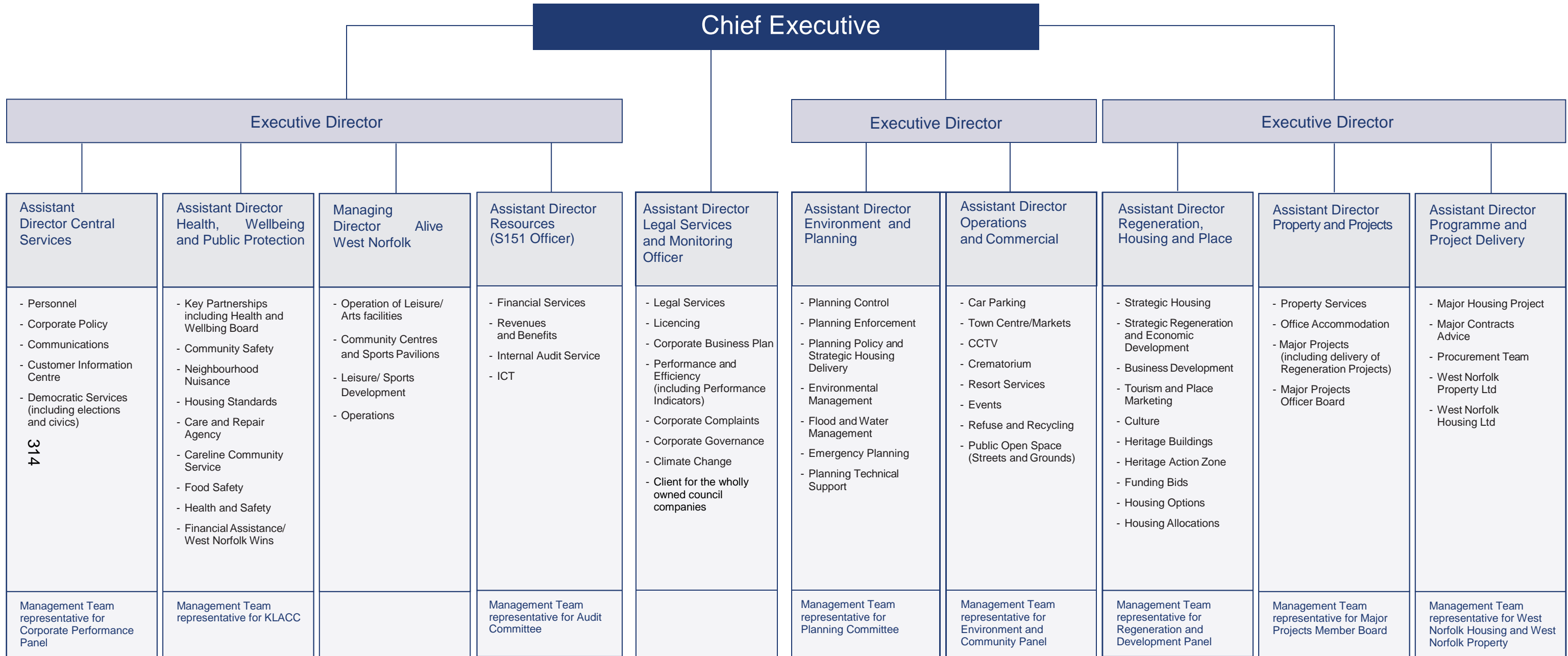
- transfers must not be made into permanent staffing budgets;
- savings in non-recurring expenditure or income should not be used to finance additional recurring expenditure

Lorraine Gore
Assistant Director (S151 Officer)



Current as at October 2024

SENIOR LEADERSHIP TEAM



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