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Agenda

Melton Borough Council

Rural Capital of Food

Meeting name	**Meeting of the Council**
Date	**Wednesday, 17 April 2019**
Start time	**6.30 pm**
Venue	**Banqueting Suite, Melton Mowbray Market, Scalford Road, Melton Mowbray, LE13 1JY**
Other information	**This meeting is open to the public**

Members of the Council are summoned to the above meeting to consider the following items of business.

Edd de Coverly
Chief Executive

Membership

Councillors

P. Baguley
P. Chandler (Chair)
G. Botterill
P. Cumbers
P. Faulkner
M. Glancy
T. Greenow (Vice-Chair)
E. Holmes
E. Hutchison
S. Lumley
A. Pearson
B. Rhodes
J. Simpson
J. Wyatt
T. Bains
T. Beaken
R. de Burle
J. Douglas
A. Freer-Jones
M. Graham
L. Higgins
J. Hurrell
J. Illingworth
J. Orson
P. Posnett
M. Sheldon
D. Wright

Quorum: 14 Councillors

Meeting enquiries	Sarah Evans
Email	sevans@melton.gov.uk
Agenda despatched	Tuesday, 9 April 2019

No.	Item	Page No.
1.	**APOLOGIES FOR ABSENCE**	
2.	**MINUTES** To confirm the minutes of the meeting of the Council held on 27 February 2019.	1 - 6
3.	**DECLARATIONS OF INTEREST** Members to declare any interest as appropriate in respect of items to be considered at this meeting.	7 - 8
4.	**MAYOR'S ANNOUNCEMENTS**	
5.	**LEADER'S ANNOUNCEMENTS**	
6.	**PUBLIC QUESTION TIME** The Leader and Chairs of Policy Committees to answer any questions from the public of which notice has been given in accordance with Council Procedure Rule 9 of the Constitution. There were no questions received.	
7.	**PETITIONS** In accordance with Procedure Rule 24.1, the Chief Executive shall report the receipt of a petition to the next meeting of the Council where there shall be no debate or comment thereon. There were no petitions received.	
8.	**RECOMMENDATIONS AND REPORTS FROM COMMITTEES** There were no recommendations and reports from Committees.	
9.	**QUESTIONS FROM MEMBERS** In accordance with Procedure Rules 10.3 and 10.5, a Member may ask the Mayor, Leader or the Chairman of any committee or sub-committee, a question on any matter in relation to which the Council has powers or duties or which affects the Melton Borough. There were no questions received.	
10.	**MOTIONS ON NOTICE** There were no motions received in accordance with Procedure Rule 11.1.	
11.	**NEW GOVERNANCE ARRANGEMENTS - CONSTITUTION**	9 - 168

	The Monitoring Officer to submit a report which seeks approval for a set of documents which will form part of the new Constitution	

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Melton Borough Council

Rural Capital of Food

Minutes

Meeting name	**Meeting of the Council**
Date	**Wednesday, 27 February 2019**
Start time	**6.30 pm**
Venue	**Parkside, Station Approach, Burton Street, Melton Mowbray LE13 1GH**

Present:

Chair Councillor P. Chandler (Chair)

Councillors

P. Baguley
T. Beaken
R. de Burle
J. Douglas
A. Freer-Jones
L. Higgins
E. Hutchison
J. Orson
J. Simpson
J. Wyatt
T. Bains
G. Botterill
P. Cumbers
P. Faulkner
M. Graham
E. Holmes
J. Illingworth
B. Rhodes
D. Wright

Officers

Chief Executive
Deputy Chief Executive
Director for Legal and Democratic Services
Director for Corporate Services
Director for Growth and Regeneration
Democracy & Involvement Officer

The Reverend Kevin Ashby offered prayers.

Minute No.	Minute
CO75	**APOLOGIES FOR ABSENCE** Apologies for absence were received from Councillors Glancy, Greenow, Hurrell, Lumley, Pearson, Posnett MBE and Sheldon.
CO76	**MINUTES** Acceptance of the minutes as a true record was proposed by the Leader and seconded by the Deputy Leader. Following a vote the minutes of the meeting held on 13 February 2019 were confirmed and authorised to be signed by the Mayor.
CO77	**DECLARATIONS OF INTEREST** Councillors Orson and Rhodes each declared a personal interest in any matter relating to the Leicestershire County Council due to their roles as County Councillors. Councillor Orson declared a further personal interest in Minute CO85, Council Tax 2019/20 specifically in relation to the meeting of the Leicester, Leicestershire and Rutland Police & Crime Panel meeting on 1 February 2019 at which is was agreed to support the PCC's proposal to set the Police precept. Councillor Orson's interest arose by virtue of chairing this meeting.
CO78	**MAYOR'S ANNOUNCEMENTS** The Mayor (a) reported that since the last meeting she had attended the annual Melton Lions Seniors' Concert at Melton Theatre. She commended the work put into the event by the Melton Lions which provided great entertainment for the Borough's senior residents; (b) reported that her Charity Quiz on 22 February raised £540 for her chosen charities. She expressed her thanks to Mr Richard Angrave who had organised the event and acted as Quiz Master; (c) reminded Members that nominations for her Mayor's Awards could still be made before the closing date of 18 March; (d) advised that responses for the Civic Dinner on 8 March had now closed, with 103 guests attending.
CO79	**LEADER'S ANNOUNCEMENTS** The Leader stated that he no further update since his report made to the 13 February 2019 meeting.
CO80	**PUBLIC QUESTION TIME** There were no public questions submitted for this meeting.

CO81	**PETITIONS** There were no petitions submitted to report.
CO82	**RECOMMENDATIONS AND REPORTS FROM COMMITTEES** **Corporate Committee: 30 January 2019 – Minute 37: Corporate Enforcement Policy** The Leader introduced and moved the recommendation as contained in the Order Paper to approve and adopt the Corporate Enforcement Policy. In support of the motion, he advised that the Council had made an investment in taking action against inappropriate behaviour whether through environment enforcement, tenancy management, or priority neighbours. The policy has been supported by the new Legal Team and provided the framework for the Council to take appropriate action. In seconding the motion, the Deputy Leader welcomed the adoption of this policy which he said would help the Council address issues which were often the subject of concerns raised by residents on social media and in communications sent to ward members. The motion was put to the vote and carried unanimously. **RESOLVED:** To approve and adopt the Corporate Enforcement Policy.
CO83	**QUESTIONS FROM MEMBERS** There were no questions from members received.
CO84	**MOTIONS ON NOTICE** There were no motions received.
CO85	**COUNCIL TAX 2019/20** The Leader presented the report prepared by the Director for Corporate Services, as circulated with the agenda, concerning the calculation and setting of the Council Tax for 2019/20, as required under the Local Government Finance Act 1992. In proposing the recommendation set out in the Order Paper, the Leader (a) drew members' attention to para 3.3 of the report concerning the Council's own council tax requirements, which for a Band D property, equated to an increase of 11p per week in order to meet the budget requirement of £3,783,232; (b) highlighted the average increase of 3.65% for a Band D property for the Parish Council precepts. He expressed surprise that the figure was relatively small since the Council made the decision in 2017/18 that Parish Councils would be required to meet the cost of their by elections. This decision had not been well received by a number of parish councils. He also pointed out that Bottesford Parish Council had reduced its precept;

(c) referred to the other major precepting authorities whose figures represented an average increase for the whole area of 4.7%.

The Deputy Leader seconded the motion and referred to his own parish council of Twyford and Thorpe whose precept had increased by 6.6%. This was in the main required for the conversion to energy saving street lights. The parish council was working in partnership with the County Council on this project. He also spoke on the continuing value for money offered by the Council in terms of the services it offered to its residents.

A member drew attention to an error in the paper on page 31 para 5.3 which stated the Leicestershire County Council increase included a figure of 3% social care levy. The correct figure for the levy was 1%. Another member commented on the small increase in the parish councils' levy and presumed this was indicative of the fact that they were carrying forward a healthy reserve. The Mayor commented on the adverse reaction she had experienced in her ward in relation to the increased Police precept. Views had been expressed to her that there was no visible police presence in that part of the Borough. The Leader responded to the Mayor's point by explaining that in setting the precept the Leicestershire Police had followed Government guidance. He assured members that a lot of police work was going on in the Borough tackling on line crime for example; the policing was there but was not always visible.

In accordance with Procedure Rule 15.5(b), a recorded vote was then taken:

Councillor	For	Against	Abstain	Absent
Baguley	√			
Bains	√			
Beaken	√			
Botterill	√			
Chandler	√			
Cumbers	√			
De Burle	√			
Douglas	√			
Faulkner	√			
Freer-Jones	√			
Glancy				√
Graham	√			
Greenow				√
Higgins	√			
Holmes	√			

Hurrell				√
Hutchison	√			
Illingworth	√			
Lumley				√
Orson	√			
Pearson				√
Posnett				√
Rhodes	√			
Sheldon				√
Simpson	√			
Wright	√			
Wyatt	√			
Totals	**20**	**0**	**0**	**7**

The motion was carried unanimously.

RESOLVED: To note the calculations and set the Council Tax for the year 2019/20 made in accordance with the regulations set out in the Local Government Finance Act 1992.

CO86 **SUPPLEMENTARY ANNOUNCEMENTS BY THE MAYOR**

Before formally closing the meeting, the Mayor

(a) made a presentation of flowers to Mrs Shuttlewood, Democracy & Involvement Officer, as she would shortly be leaving the Council as a consequence of changes to the civic arrangements in 2019/20. The Mayor thanked Mrs Shuttlewood for her support and guidance to date during the current term of office; and

(b) referred to the fund raising aspect of the Civic Dinner during which Councillor Holmes explained to members that guests would be invited to pay £10 for an envelope which would contain a mystery prize – either a prize donated by a local business or a lottery scratch card.

The meeting closed at: 6.54 pm

Mayor

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Advice on Members' Interests

PERSONAL AND NON-PECUNIARY INTERESTS
If the issue being discussed affects you, your family or a close associate more than other people in the area, you have a personal and non-pecuniary interest. You also have a personal interest if the issue relates to an interest you must register under paragraph 9 of the Members' Code of Conduct.

You must state that you have a personal and non-pecuniary interest and the nature of your interest. You may stay, take part and vote in the meeting.

PERSONAL AND PECUNIARY INTERESTS
If a member of the public, who knows all the relevant facts, would view your personal interest in the issue being discussed to be so great that it is likely to prejudice your judgement of the public interest and it affects your or the other person or bodies' financial position or relates to any approval, consent, licence, permission or registration then **you must state that you have a pecuniary interest, the nature of the interest and you must leave the room*.** You must not seek improperly to influence a decision on that matter unless you have previously obtained a dispensation from the Authority's Governance Committee.

DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS
If you are present at any meeting of the Council and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting, if the interest is not already registered, you must disclose the interest to the meeting. You must not participate in the discussion or the vote and you must leave the room.

You may not attend a meeting or stay in the room as either an Observer Councillor or *Ward Councillor or as a member of the public if you have a pecuniary or disclosable pecuniary interest*.

BIAS
If you have been involved in an issue in such a manner or to such an extent that the public are likely to perceive you to be biased in your judgement of the public interest (bias) then you should not take part in the decision-making process; you should leave the room. **You should state that your position in this matter prohibits you from taking part.** You may request permission of the Chair to address the meeting prior to leaving the room. The Chair will need to assess whether you have a useful contribution to make or whether complying with this request would prejudice the proceedings. A personal, pecuniary or disclosable pecuniary interest will take precedence over bias.

In each case above, you should make your declaration at the beginning of the meeting or as soon as you are aware of the issue being discussed.*

*There are some exceptions – please refer to paragraphs 13(2) and 13(3) of the Code of Conduct

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MEETING OF THE COUNCIL

17 APRIL 2019

REPORT OF THE MONITORING OFFICER

NEW GOVERNANCE ARRANGEMENTS – CONSTITUTION

1.0 PURPOSE OF REPORT

1.1 Following approval of the Council's new governance arrangements at the Extraordinary Meeting of the Council held on 21 November 2018, the Council is asked to approve a set of documents, as listed below at recommendation 2.1, which will contribute to completing the new Constitution in readiness for the introduction of the new governance arrangements in the new Civic Year.

2.0 RECOMMENDATIONS

2.1 **To approve the following for adoption as listed at Appendix A and appended thereto effective from the Annual Meeting in May 2019 :-**

Appendix A1	**Council Functions and Procedure Rules**
Appendix A2	**Cabinet Functions and Procedure Rules**
Appendix A3	**Officer Scheme of Delegation**
Appendix A4	**Audit and Standards Committee Functions and Procedure Rules**
Appendix A5	**Employment Committee Functions and Procedure Rules**
Appendix A6	**Licensing Committee Functions and Procedure Rules**
Appendix A7	**Planning Committee Functions and Procedure Rules**
Appendix A8	**Scrutiny Committee Functions and Procedure Rules**
Appendix A9	**Meetings Procedure Rules**
Appendix A10	**Budget and Policy Framework Procedure Rules**
Appendix A11	**Financial Procedure Rules**
Appendix A12	**Member Roles**
Appendix A13	**Petitions Scheme**
Appendix A14	**Proper Officer Designations**
Appendix A15	**Contract Procedure Rules**

2.2 **To delegate authority to the Director for Law and Governance for:**

(a) amendments to the constitution as a result of comments received by Members;
(b) changes to the structure and layout of the constitution;
(c) minor amendments (as and when required) that in her opinion do not substantially alter the content of the constitution; and/or
(d) any changes to the Constitution as required by the law.

3.0 KEY ISSUES

3.1 Following approval of the Council's new governance arrangements at the Extraordinary Meeting of the Council held on 21 November 2018, the Constitution has been under review, and as well as new documents introduced, many other sections have been significantly redrafted to take account of the change in

decision-making structure to the Leader and Cabinet model.

3.2 The reason for the complete review is to ensure that the Council is able to work more efficiently and quickly to meet its commercial ambitions. This includes refreshing all parts of the Constitution including all the procedure rules and the delegations scheme. Due to the enormity of the task, the Constitution sections have been divided into two sets, the first set was approved at the Council meeting 0n 13 February 2019. The majority of those documents enclosed with this report were considered at the 26 March Governance Committee meeting and any comments that resulted in amendments to the documents have been made and included in the appendices presented herewith for adoption at this meeting.

3.3 Council Functions and Procedure Rules – Appendix A1
These procedure rules set out how the Council works and its decision-making arrangements.

3.4 Cabinet Functions and Procedure Rules – Appendix A2
These procedure rules set out how the Cabinet works, how it makes decisions collectively as well as by individual portfolio holders.

3.5 Officer Scheme of Delegation – Appendix A3
These have been reviewed and updated to reflect the Council's new management and governance arrangements as well as assist in more streamlined decision-making to help the Council achieve its commercial ambitions.

3.6 Audit and Standards Committee Functions and Procedure Rules – Appendix A4
These procedure rules set out how this Committee works and the decisions it is responsible for.

3.7 Employment Committee Functions and Procedure Rules – Appendix A5
These procedure rules set out how this Committee works and the decisions it is responsible for.

3.8 Licensing Committee Functions and Procedure Rules – Appendix A6
These procedure rules set out how this Committee works and the decisions it is responsible for.

3.9 Planning Committee Functions and Procedure Rules – Appendix A7
These procedure rules set out how this Committee works and the decisions it is responsible for.

3.10 Scrutiny Committee Functions and Procedure Rules – Appendix A8
These procedure rules set out how this Committee works and the decisions it is responsible for.

3.11 Meetings Procedure Rules – Appendix A9
These procedure rules set out how meetings work and how decisions are made.

3.12 Budget and Policy Framework Rules – Appendix A10
These have been reviewed and updated to reflect the Council's Corporate Policy Framework and the new governance arrangements.

3.13 Financial Procedure Rules – Appendix A11
These have been reviewed and updated to reflect the Council's new governance arrangements.

3.14 Member Roles – Appendix A12
These have been reviewed to take account of the new governance arrangements and the roles have been adjusted to demonstrate the responsibilities attached to each role. This document is designed primarily to help Members understand their responsibilities as well as the skills and knowledge needed to carry out these roles and from this determine individual training requirements. The document also assists the Independent Remuneration Panel in understanding the expectations on the leading Member roles when they review special responsibility allowances.

3.15 Petitions Scheme – Appendix A13
This has been reviewed and updated to reflect the Council's new governance arrangements.

3.16 Proper Officer Designations – Appendix A14
These have been reviewed and updated to reflect the Council's new management and governance arrangements.

3.17 Contract Procedure Rules – Appendix A15
These have been reviewed and updated to reflect the Council's new governance arrangements.

4.0 POLICY AND CORPORATE IMPLICATIONS

4.1 Due to the Constitution being a living document there are times when amendments are needed to enable the organisation to function efficiently. Therefore items will be referred to the Committee as required.

4.2 The regular reviews and updates to the Constitution and ensuring it is up to date on its decision-making processes supports the Council's priority for being an 'Agile Council'.

5.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS

5.1 Any financial and resource implications will be met from existing resources.

6.0 LEGAL IMPLICATIONS/POWERS

6.1 It is a legal requirement to have a constitution. The Council cannot make decisions without proper governance arrangements in place.

7.0 COMMUNITY SAFETY

7.1 There are no community safety implications relating to this report.

8.0 EQUALITIES

8.1 Equalities Screening Assessments have been drafted on the items within the report and most items presented relate to the legality of decision-making.

9.0 RISKS

9.1 Decisions may be challenged and may be unlawful if they are not supported by proper governance arrangements. Having a robust constitution following appropriate consultation helps to mitigate this risk.

10.0 CLIMATE CHANGE

10.1 The Constitution is available on the Council's website and is electronically available to Members and Officers to meet the Council's corporate commitment to green targets.

11.0 CONSULTATION

11.1 The Governance Committee is consulted on items that change the content of the Constitution and has been consulted on the items presented for adoption. There is regular internal consultation with the Senior Leadership Team and T3 to ensure the Constitution reflects the Council's current responsibilities and arrangements.

12.0 WARDS AFFECTED

12.1 All wards are indirectly affected by this report.

Contact Officer	Adele Wylie, Monitoring Officer
Date:	April 2019
Appendices :	A : List of documents to be approved & Appendices A1-A15 appended thereto
Background Papers:	Previous Full Council reports and minutes
Reference :	X : Committees\Council\2018 19\170419\ New Governance Arrangements - Constitution

Constitution - Documents for approval

Ref	Chapter	Item	Approval process	Complete by
A1	2	Council Functions and Procedure Rules	Gov Cttee for comments & Council adoption	April 2019
A2	2	Cabinet Functions and Procedure Rules	“	April 2019
A3	2	Officer Scheme of Delegation	“	April 2019
A4	2	Audit and Standards Committee – Functions and Procedure Rules	“	April 2019
A5	2	Employment Committee – Functions and Procedure Rules	“	April 2019
A6	2	Licensing Committee – Functions and Procedure Rules	“	April 2019
A7	2	Planning Committee – Functions and Procedure Rules	“	April 2019
A8	2	Scrutiny Committee – Functions and Procedure Rules	“	April 2019
A9	3	Meetings Procedure Rules	“	April 2019
A10	3	Budget and Policy Framework Procedure Rules	“	April 2019
A11	3	Financial Procedure Rules	“	April 2019
A12	3	Member Roles	“	April 2019
A13	4	Petitions Scheme	“	April 2019
A14	4	Proper Officer Designations	“	April 2019
A15	3	Contract Procedure Rules	“	April 2019

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2.0 COUNCIL FUNCTIONS AND PROCEDURE RULES

1.0

This part sets out in detail which part of the Council and/or which people are responsible for particular activities. It sets out what decisions must be taken at the Council Meeting and what decisions Members have decided can be taken by the different Committees. It also sets out what decisions can be taken by Officers on behalf of the Council

Council functions comprise of :

- functions which are reserved as Council functions by the Local Government Act 2000 (as amended) and by subsequent legislation;
- functions which are reserved as Council functions by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000(as amended) and subsequent regulations under the Local Government Act 2000;
- functions set out in Schedule 2 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000:
- plans and strategies set out in Schedule 3 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) together with such other plans and strategies as the Council shall identify from time to time for approval. See Budget and Policy Framework Procedure Rules.

2.0 **Council Functions**

	Functions which are reserved as Council functions by the Local Government Act 2000 (as amended) and by subsequent legislation;	**Delegations to Committees or Officers**	**Exceptions to Delegations**
2.1	Approve and adopt the Policy Framework and the Strategies included in it (not including the policies within it which are delegated to Cabinet).	None	None
2.2	Adopt the budget (by recorded vote of all Members).	None	None
2.3	Calculations relating to and setting of Council Tax.	None	None
2.4	Set the level of Council house rents	None	None
2.5	Approve any application to the Secretary of State in respect of any housing land transfer.	None	None

2.6	Adopt and approve amendments to the Constitution	Monitoring Officer	Significant amendments unless required by legislative or other statutory changes.
2.7	Agree and/or amend the functions and responsibilities for Committees, deciding on their composition and making appointments to them.	None	None
2.8	Elect the Mayor, Deputy Mayor, Leader of the Council and the Leader of the Opposition.	None	None
2.9	Appoint representatives to outside bodies which represent Council functions.	None	None
2.10	Adopt the Members Allowance Scheme, Whistleblowing Policy, Members Code of Conduct and Protocol on Member/Officer Relations.	None	To be recommended by Audit and Standards Committee.
2.11	Determine any matter which is referred to it for determination by a Committee or Sub-Committee other than Cabinet or Cabinet Committees.	None	None
2.12	Consider a report by the Head of Paid Service on management of the Council or by the Chief Financial Officer or Monitoring Officer in relation to a Council function.	None	None
2.13	All other matters which by law must be reserved to Council including those functions which cannot be carried out by Cabinet but which can be delegated to a Committee by the Council.	See Officer Scheme of Delegation	See Officer Scheme of Delegation
2.14	**Function as set out in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000:**	**Delegation of Functions**	**Exceptions to Delegations**
2.15	**Functions relating to elections**		
2.16	The appointment of the electoral registration officer, the appointment of the returning officer for local elections and polling districts and local election pilot schemes.	Chief Executive	None

2.17	Assignment of officers to the Electoral Registration Officer.	Chief Executive	None
2.18	Assistance at European Parliament elections	Chief Executive	None
2.19	The holding of elections/the filling of certain vacancies, the declaration of vacancies and notices of casual vacancies.	Chief Executive	The Chief Executive cannot determine casual vacancies that are not politically balanced.
2.20	Fees for and conditions of supply of elections documents.	Chief Executive	None
2.21	All other functions relating to elections	Chief Executive	None
Functions relating to name and status of areas and individuals:			
2.22	Power to change the name of the district or parish.	None	None
2.23	Power to make, amend, revoke, enact or enforce byelaws, local or personal Bills.	None	None
2.24	Power to confer title of honorary alderman or to admit to be an honorary freeman of the Borough	None	None
2.25	**Power to promote or oppose local Bills in Parliament.**	None	None
2.26	**Power to promote or oppose local or personal Bill.**	None	None
2.27	**Functions relating to local government pensions.**	Chief Finance Officer	None
2.28	**Proper Officers** Power to appoint officers for particular purposes (appointment of "Proper Officers").	None	None
2.29	**Head of Paid Service** Duty to designate officer as the head of the authority's paid service and to provide staff, etc.	None	None
2.30	**Monitoring Officer** Duty to designate officer as the monitoring officer, and to provide staff, etc.	None	None
2.31	**Chief Finance Officer** Duty to designate officer as the Chief Finance Officer, and to provide staff, etc.	None	None
2.32	**Administration of Financial Affairs** Duty to make arrangements for proper administration of financial affairs etc.	Chief Finance Officer	None
2.33	**Appointment of Staff**	All Chief Officers	None

	(Below Chief Officer level). Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal).		
2.34	**Maladministration** Power to make payments or provide other benefits in cases of maladministration.	Monitoring Officer	None
2.35	**Designate Public Space Protection Orders** Power to make or revoke a Public Space Protection Order.	None	None
2.36	**Appointment of Chief Officers**	Employment Committee	Chief Executive Officer. The Employment Committee can make recommendations regarding the appointment to Council.
2.37	**Dismissal of statutory officers**	None	The Employment Appeals Committee can make recommendations regarding the dismissal to Council.
2.38	**Appeal against dismissal of statutory officers**	None	The Employment Appeals Committee can make recommendations regarding the dismissal to Council.
2.39	**Planning, development control and conservation** Town and country planning and development control functions under The Town and Country Planning Act 1990 and The Town and Country Planning (General Permitted Development) Order (or any associated or related legislation or regulations).	See Planning Committee Functions & Procedure Rules	See Planning Committee Functions & Procedure Rules
2.40	**Highways use and regulation** The exercise of powers relating to the regulation of the use of highways (including footpaths and bridleways).	See Planning Committee Functions & Procedure Rules	See Planning Committee Functions & Procedure Rules
2.41	**Tree Preservation and Hedgerows** Functions relating to the preservation of trees and the protection of important hedgerows.	See Planning Committee Functions & Procedure Rules	See Planning Committee Functions & Procedure Rules

	Powers relating to complaints about high hedges.		
2.42	**All functions relating to licensing registration, enforcement, duties and powers including but not limited to;** Sex establishment venues and miscellaneous licensing Private hire and hackney carriage licensing Gambling Act 2005 Licensing Regime Licensing Act 2003 Licensing Regime Licensing market and street trading.	See Licensing Committee Functions & Procedure Rules	See Licensing Committee Functions & Procedure Rules
2.43	**Statement of Accounts** The duty to consider and approve the Council's Statement of Accounts under the Accounts and Audit Regulations.	Audit and Standards Committee.	None
2.44	**Health and safety** Functions relating to health and safety under any "relevant statutory provision" within the meaning of Part 1 of the Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as employer.	Director for Corporate Services	None
2.45	**Functions relating to Community Governance**	Director of Law & Governance	None
2.46	**The promotion and maintenance of high standards of conduct within the Council;** To advise the Council on the adoption or revision of its Code of Conduct. To monitor and advise the Council about the operation of its Code of Conduct in the light of best practice, changes in the law, guidance under the Localism Act 2011. **Assistance to Councillors and co-opted external persons** To ensure that all Councillors have access to training in all aspects of the Member Code of Conduct, that	See Audit and Standards Committee Functions and Procedure Rules	See Audit and Standards Committee Functions and Procedure Rules

	this training is actively promoted, and that Councillors and co-opted persons are aware of the standards expected under the Code. **Other functions** Functions relating to standards of conduct of Members including granting of dispensations under any relevant provision of, or regulations made under, the Localism Act 2011.		
2.47	**Local Planning and Neighbourhood Planning Functions**	See Planning Committee Functions & Procedure Rules	See Audit and Standards Committee Functions and Procedure Rules
2.48	**Local Choice Functions** (Schedule 2 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000).		
2.49	Obtaining of information as to interests in land.	See Audit and Standards Committee Functions and Procedure Rules	See Audit and Standards Committee Functions and Procedure Rules

3.0 **Council Procedure Rules**

3.1 Application of the Meetings Procedure Rules

These Rules should be read in conjunction with The Meetings General Procedure Rules which detail the rules of debate and apply to all meetings of Council except as varied below.

3.2 Composition of the Committee

The Council Meeting is a meeting of all Councillors all of whom shall have undertaken mandatory training contained within the Members Development Programme.

3.3 A record of attendance at training sessions will be maintained by Democratic Services.

3.4 Quorum

The quorum for the Committee shall be not less than half of all Members.

3.5 Who shall Chair the Meeting

The Chair of the Council Meeting shall be the Mayor as determined by Council at the Annual Council Meeting in their absence the Deputy Mayor shall preside. If neither are in attendance, the Chair shall be elected by attending Members by a majority of votes.

4.0 Annual Council Meeting

4.1 Timing and business

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

4.2 The annual meeting shall:

- elect a person to preside if the Mayor is not present;
- elect the Mayor
- elect the Deputy Mayor;
- approve the minutes of the last meeting;
- receive any announcements from the Mayor and/or Head of the Paid Service;
- receive a report from the outgoing Leader on the work of the Council during the last year;
- elect the Leader
- receive an outline of the policies of the Council for the forthcoming year from the Leader;
- the Leader shall announce the Deputy Leader;
- appoint such Committees as the Council considers appropriate; elect the
- Chairs and Vice-Chairs of Committees.
- agree the Officer Scheme of Delegation
- approve the Annual Calendar of Meetings and
- consider any business set out in the notice convening the meeting.
- Appoint at least one Scrutiny Committee and such other Committee as the Council considers appropriate to deal with matters which are neither reserved to the Council Meeting and which are not Cabinet functions and decide the terms of reference and size of those Committees
- Decide the allocation of seats [and substitutes] to political groups in accordance with the political balance rules;
- Receive nominations of Councillors to serve on each Committee and outside body
- Appoint to those Committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Cabinet
- Approve the financial threshold for Key Decisions

5.0 Questions by the Public at Meetings of Council

5.1 General

Members of the public may ask questions of members of the Cabinet at Ordinary Meetings of the Council.

Time allowed for questions and answers shall not without the consent of the

Council which shall be confirmed by consensus exceed 15 minutes or in the case of one questioner 5 minutes.

Questions and answers shall not be the subject of debate.

5.2 **Notice of questions**

5.3 A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Proper Officer no later than midday six working days before the day of the meeting. Each question must give the name and address of the questioner and must name the Member of the Council to whom it is to be put.

5.4 **Number of questions**

5.5 At any one meeting no person may submit more than one question and no more than one question may be submitted on behalf of any one organisation.

5.6 **Scope of questions**

5.7 The Proper Officer may reject a question if it:

- Is not about a matter for which the local authority has a responsibility or which affects the Borough;
- Is defamatory, frivolous or offensive;
- Is substantially the same as a question which has been put at a Meeting of the Council in the past six months; or
- Requires the disclosure of confidential or exempt information.
- Breaches any procedure rule
- Relates to an item on the agenda of the Meeting
- Relates to any Borough planning application that is in the process of being determined

5.8 **Record of questions**

5.9 The Proper Officer will enter each question in a book open to public inspection and will immediately send a copy of the question to the Member to whom it is to be put. Rejected questions will include reasons for rejection.

5.10 **Order of questions**

5.11 Questions will be asked in the order notice of them was received, except that the Chair may group together similar questions

5.12 **Asking the question at the meeting**

5.13 The Mayor will invite the questioner to put the question to the Member named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Mayor to put the question on their behalf. The Mayor may ask the question on the questioner's behalf or indicate that a written reply will be given.

5.14 **Supplemental question**

5.15 A questioner who has put a question in person may also put one supplementary question without notice to the member who has replied to his or her original question.
A supplementary question must arise directly out of the original question or the reply. The Mayor may reject a supplementary question on any of the grounds in Rule 9.4 above

5.16 **Response**

5.17 An answer can take the form of
- A direct oral answer
- A written answer circulated alter the questioner

5.18 **Reference of question to Cabinet, Committee or Sub Committee**

5.19 Unless the Mayor decides otherwise, no discussion will take place on any question, but any Member may move that a matter raised by a question be referred to Cabinet or the appropriate Committee or Sub-Committee. Once seconded, such a motion will be voted on without discussion.

5.20 **Questions by Councillors at Meetings of Council**

5.21 A Member of the Council may ask the Leader, the Mayor or a Committee Chair questions without notice about an item in a report of the Cabinet or that Committee when it is being considered of Cabinet or Committees

5.22 **Questions on notice at Meetings of Council**

5.23 A Member of the Council may ask the Leader, the Chair of the Council or a Committee Chair a question about any matter in relation to which the Council has powers or duties or which affects the Borough.

5.24 **Notice of questions**

5.25 A Member may only ask a question under Rule XXXX if either:
- they have given at least six working days notice in writing of the question to the Proper Officer; or
- the question relates to urgent matters, they have the consent of the Member to whom the question is put and the content of the question is given to the Monitoring Officer by 10.00 a.m. on the day of the meeting

5.26 **Response**

5.27 An answer may take the form of:
a) a direct oral answer;
b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner within 14 days of the date of the Meeting

5.28 **Supplementary question**

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

5.30 **Number of Questions**

5.31 Questions on notice are limited to one question per Member per meeting plus one supplemental question

5.32

5.33 **Time for Questions**

5.34 There will be an overall time limit of 15 minutes on Councillors' questions with no extension of time and questions not dealt with by written response.

5.35

5.36 **Format of Questions**

5.37 Councillors must confine their contributions to questions and answers and not make statements or attempt to debate. The Chair of the Council shall decide if the Member is contravening this Rule and stop the Councillor concerned. The Chair of the Councils ruling is final.

6.0 **Motions on Notice**

6.1 Notice

Except for motions which can be moved without notice under Rule 12, written notice of every motion, signed by at least two members, must be delivered to the Proper Officer not later than six working days before the date of the meeting. These will be entered in a book open to public inspection.

6.2 Scope

Motions must be about matters for which the Council has a responsibility or which affect the Melton Borough. The Mayor with the advice of the Chief Executive refuse a motion which is improper, illegal or out of order.

6.3 **Motions set out in the Agenda**

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

6.5 **Removal of Council Leader**

6.6

a) For the avoidance of doubt, any Notice of Motion which would have the effect of removing the Leader shall be permitted under this rule (11).
b) The next item of business following the removal of the Council Leader will be the election of a new Council Leader.

7.0 **Members Conduct**

7.1 Standing to speak

7.2 When a Member speaks at a Meeting of Council he/she must stand and address the meeting through the Mayor. Other Members must remain seated whilst a member is speaking unless they wish to make a point of order or a point of personal explanation.

7.3 Mayor standing

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

Budget Council Meeting

Restriction of Amendments

Only amendments submitted in accordance with the Budget and Policy Framework Procedure Rules shall be considered at the Budget Council Meeting. The exceptions to this rule are as follows:

- The Cabinet may introduce amendments at the Council meeting or give advance notice of revised recommendations. This might be necessary, for instance, in response to changed circumstances or to correct technical errors. The Leader must explain why it has proved necessary to introduce any amendment. This is to be done at the beginning of the budget item.
- The Cabinet may make changes to the budget recommendations to give effect to decisions by precepting authorities.
- Further amendments may be moved by any Member in direct response to amendments made by the Cabinet at the meeting.
- Technical amendments may be made by Leaders of Minority Groups or proposers of amendments to correct arithmetical or factual errors.
- The Mayor shall have discretion to permit amendments from Members when satisfied that the need for the amendment could not have been anticipated before the deadline. The Mayor should also be satisfied that advance notice of such amendments was given as soon as reasonably practical, and not left to the day of the meeting unless this was unavoidable.

If the Cabinet fails to secure Council adoption of its budget, further amendments may be moved, and these rules will not apply;

The Council may, by a simple majority, suspend these rules and permit further amendments.

Rules of Debate

The Cabinet shall present its budget recommendations. A period of 45 minutes is allowed for this, extendable at the discretion of the Mayor.

Minority groups may present alternative budgets, subject to compliance with the

Budget and Policy Framework Procedure Rules. Thirty minutes is allowed for each alternative budget, extendable at the discretion of the Mayor.

Alternative budgets shall be moved in turn as amendments to replace the Cabinet recommendation. They will be debated in the usual way, although replacement budgets will be deemed to have been moved and seconded. At the conclusion of each debate, a vote will be taken for and against the alternative budget.

If the alternative budget is voted down, the Leader of the Minority Group may ask for separate votes to be taken on individual proposals within the alternative budget, but there shall be no further debate.

Where individual amendments have been submitted by Members, these will be debated in the usual way contained within the Meetings General Procedure Rules and the Council Procedure Rules. Where they are to the same effect as something in an alternative budget, they shall be considered at the same time as the alternative budget, with the proposer being able to ask for a separate vote.

After consideration of amendments the Cabinet's budget proposals will be debated in the usual way but no amendments may be moved. If the Cabinets budget is rejected, amendments and alternative proposals may be made as under the usual rules of debate.

CABINET FUNCTIONS AND PROCEDURE RULES

The role of the Cabinet, comprising the Leader and between 2 and 9 Councillors appointed by the Leader is to provide strategic leadership to the Authority and to discharge executive functions which are called Cabinet functions throughout this Constitution.

Cabinet functions are any decisions relating to Council services which have not been reserved to Council or delegated to another Committee. To see what functions are carried out by Council, please see Council Functions and Procedure Rules.

Cabinet functions include "Local Choice functions" which are functions which the Council can choose whether they are carried out by Council or the Cabinet. These are shown in the Functions of the Cabinet below.

Cabinet functions can be discharged by:

- Cabinet as a whole
- Cabinet committee;
- A Portfolio Holder
- An Officer in line with the Scheme of Delegation;
- Joint arrangements; or
- Another local authority in line with the Scheme of Delegation

If a Cabinet function has been delegated to a Cabinet Member or Officer or it may still be discharged by Cabinet or a Committee of Cabinet.

1.0 Functions of Cabinet

	Functions of Cabinet	Delegations to Committees and Officers	Functions not to be carried out by Cabinet
1.1	To develop, determine, monitor, have oversight, form views and respond to all matters in relation to functions not reserved to Council including but not limited to service, policy, strategy, delivery, performance including complaints, operational asset management, staffing resources and budget monitoring.	Chief Officers Portfolio Holders	Any functions reserved to Council including any function which predate the Regulations. Impose conditions, terms, limitations or restrictions on approvals, consents, licences, permissions or registrations on a non executive function. Amend, modify, vary or revoke any plan or strategy except where authorised by the Constitution. Approve/adopt a plan/strategy which is outside of the Budget and Policy Framework if Council

			has determined that Council should take that decision. Take a decision which is contrary to the Budget and Policy Framework. Subject to any Regulations under s.20 of the Local Government Act 2000, make arrangements for the joint exercise of functions under s101(5) of the Local Government Act 1972 and make appointments to committees/joint committees under s.102 of the 1972 Act.
1.2	**Local Choice Functions** (Schedule 2 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000).	**Delegations to Committees and Officers**	**Exceptions to Delegations**
1.3	Functions under a local Act (other than one specified or referred to in Reg 2 or Schedule 1 of the Regulations 2000).	Chief Officers	None
1.4	To determine appeals against any decision of the authority.	Chief Officers	None
1.5	Obtaining of information as to interests in land.	Planning Committee Director for Growth and Regeneration	None None
1.6	Any function relating to contaminated land.	Director for Growth and Regeneration	None
1.7	The control of pollution or the management of air quality.	Director for Growth and Regeneration	None
1.8	To serve an abatement notice in respect of a statutory nuisance.	Director for Growth and Regeneration Director for Law and Governance.	None None
1.9	To pass a resolution that Schedule 2 of the Noise and Statutory Nuisance Act 1993 should apply in	Director for Growth and Regeneration	None

	the authority's area.		
1.10	To inspect the authority's area to detect any statutory nuisance.	Director for Growth and Regeneration	None
1.11	To investigate any complaint about the existence of a statutory nuisance.	Director for Growth and Regeneration	None
1.12	To obtain information about interests in land.	Director for Growth and Regeneration	None
1.13	To obtain particulars of persons interested in land.	Director for Growth and Regeneration	None

2.0 **Conflicts of Interest**

2.1 Where the Leader of the Council has a conflict of interest this should be dealt with as set out in the Member's Code of Conduct.

2.2 If every Member of the Cabinet has a conflict of interest this should be dealt with as set out in the Member's Code of Conduct.

2.3 If the exercise of a Cabinet function has been delegated to a Committee of the Cabinet, a Cabinet Member or an Officer, and should a conflict of interest arise, then the function will be exercised by the Cabinet for Officer decisions and the Leader for Cabinet Member decisions.

Procedure Rules

3.0 **Application of the Meetings Procedure Rules**

3.1 These Rules should be read in conjunction with The Meetings General Procedure Rules which detail the rules of debate and apply to all meetings of Council except as varied below.

4.0 **Composition of Cabinet**

4.1 The Cabinet shall consist of the Leader of the Council, and up to 9 other Councillors all of whom shall have undertaken mandatory training contained within the Members Development Programme.

4.2 A record of attendance at training sessions will be maintained by Democratic Services. The Leader of the Council is elected by Council, but the Leader is responsible for appointing the other Members of the Cabinet, and for notifying the Council of such appointments.

4.3 The Leader shall notify the Annual Council of his appointments to Cabinet and his Executive Scheme of Delegation.

No substitution arrangements will apply to the Cabinet, and neither the Mayor nor Deputy Mayor may be appointed to the Cabinet.

4.4 Attendance must be for the duration of each training session, at least every other year. The Committee is not politically balanced.

5.0 **When will Cabinet meet**

5.1 Cabinet shall meet in accordance with the Calendar of Meetings. Meetings shall be held at 2pm however the Leader shall have discretion to amend the time to such time as he deems to be suitable.

5.2 Extraordinary meetings may be called if considered necessary as determined by the Proper Officer following consultation with the Leader.

6.0 **Quorum (amount of members needed to attend each meeting)**

6.1 The quorum for Cabinet shall be not less than half.

7.0 **Who shall preside**

7.1 The Chair of Cabinet shall be the Leader. The Leader will also chair any Cabinet Committee at which he/she is present. In the absence of the Leader, the Deputy Leader shall take the chair. In the absence of both, another Cabinet Member shall be appointed to preside at the meeting.

8.0 **Who can attend Cabinet**

8.1 All meetings of the Cabinet shall be open to the public except where the item under discussion is considered exempt or confidential in accordance with the Access to Information Procedure Rules.

9.0 **What business will be conducted at a meeting**

9.1 Cabinet must consider at each ordinary meeting;

- matters referred to the Cabinet (whether by the Scrutiny committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Scrutiny Functions and Procedure Rules or the Budget and Policy Framework Procedure Rules.
- other matters set out in the agenda for the meeting, indicating which are key decisions and which are not in accordance with the Access to Information Procedure Rules.

9.2 Any Member of the Cabinet may ask the Leader that an item is placed on the agenda of the next available meeting of the Cabinet for consideration. The Leader shall decide if it shall be added to the agenda.

9.3 At the discretion of the Leader of the Council (or in his/her absence the Deputy Leader) or by agreement by the Cabinet, a Member of the Council can be invited to take part in discussions at a meeting of the Cabinet on any particular item under consideration. The Member would not have voting rights.

Urgent items shall be considered in accordance with the Access to Information

Procedure Rules.

11.0 **Cabinet Committees/Sub-Committees**

11.1 The Cabinet may appoint such Committees or Sub-Committees as it considers necessary and appropriate to assist in the discharge of its functions.

11.2 In making such appointments, the Cabinet must specify the name of the Committee/Sub-Committee, its membership (including its Chairman and, if appropriate, Vice-Chairman) and the terms of reference of the body.

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OFFICER SCHEME OF DELEGATION

Legislation and this Constitution sets out who which decision making body can make certain decisions. This document shows what decisions elected members have authorised Officers to take on their behalf and is intended to provide a streamlined, clear and simple decision-making process and should be interpreted widely.

The Leader of the Council has delegated some Cabinet functions to individual members of the Cabinet within the confines of the Budget and Policy Framework. These are contained within the Executive Scheme of Delegation.

In addition, the Council has delegated some of its regulatory powers to the Planning Committee, Licensing Committee, Audit and Standards Committee, Employment Committee and Employment Appeals Committee.

In order to ensure that business is conducted efficiently and that services are provided to a high standard, the Council, the Leader of the Council, Planning Committee, Licensing Committee and Audit and Standards Committee have delegated some powers to Officers.

Decisions taken by Officers carry the same weight as any decision taken by the decision making body and Officers must therefore consider all implications prior to taking delegated decisions and must ensure the decision making principles contained within the Access to Information Procedure Rules are adhered to.

1.0 **How should Members be involved in Officer decision making**

1.1 Officers must keep Members properly informed of action arising within the scope of these delegations. Officers must liaise closely with the relevant Portfolio Holder on functions and the relevant Chairman of the Committee when the matter falls within the remit of that Committee.

1.2 Officers shall consult the local Ward Member(s) when they exercise any delegated powers specifically affecting their ward and when the matter is likely to be politically sensitive or contentious unless legal reasons prevent this. Officers must take account of the views of the relevant Ward Member(s) before exercising their delegated power.

1.3 Key Decisions shall be published in accordance with the Access to Information Procedure Rules. Non Key decisions shall be recorded in accordance with the Recording Decisions Guidance.

2.0 **How should the Scheme be interpreted**

2.1 All references to legislation shall be deemed to include any subsequent amendments to such legislation.

2.2 References to powers of 'the Council' include functions of the Cabinet. Any reference to a function shall be deemed to include a reference to all statutory powers relating to that function and shall be deemed to include authority to exercise all such powers. Functions of the Cabinet shall only be exercised by the Officer if the Leader has delegated authority through the Executive Scheme of Delegation.

2.3 All delegations are intended to be cumulative. Each delegation may be read on its own unless it is specifically expressed to be subject to another.

3.0 Application of the Scheme to Officers not employed by the Council

3.1 Persons who are authorised by the Council to work for /on behalf of the Council and are not employed by the Council will be bound by this Scheme, and the obligations contained in it.

4.0 **How to use delegated authority**

4.1 In using a delegation, Officers shall comply with

- The Budget and Policy Framework set by Council
- The decision making principles set out in the Access to Information Procedure Rules
- Statutory Requirements
- Contract Procedure Rules
- Financial Procedure Rules
- Consideration of relevant policies
- The Employee Code of Conduct
- The requirements of Senior Leadership Team in relation to the overall management and co-ordination of the Councils affairs
- Budgetary provisions
- Advice from the Chief Executive, the Monitoring Officer or the Chief Finance Officer
- Any provision contained within this Constitution.
- For Cabinet functions, the Executive Scheme of Delegation

4.2 Where an Officer has delegated powers, the Council or the Cabinet or a Committee (as appropriate) can still exercise that power in a particular case if it considers it appropriate to do so. Equally it is always open to an Officer not to exercise delegated powers but to refer the matter up as appropriate.

4.3 Chief Officers should ensure that they have an understanding of the relevant Cabinet Member and Committee Chairs interpretation of the Scheme before they make decisions.

5.0 **Limitations to the Scheme**

5.1 This Scheme does not delegate:

- Any matter which by law may not be delegated to an officer
- Any matter which is specifically excluded from delegation by this Scheme, by a decision of the Council, the Cabinet or a Committee or Sub-Committee.

5.2 Each delegation is subject to a limitation that it shall not be exercised if the Head of Paid Service, or the Monitoring Officer or Chief Finance Officer has given a direction to that effect.

6.0 **Authorisations to other Officers**

6.1 Officers with delegated powers may in writing authorise another Officer or Officers to exercise those powers. Such authorisations may be subject to limitations and conditions. The Officer with the delegated powers must complete a Record of Decision Form for all authorisations granted and provide Democratic Services with a copy.

7.0 **Reserve Delegations**

7.1 The delegated powers held by a post may be exercised by the line manager of that post (or by their line manager) if:

- that post is vacant
- the post-holder is not at work for any reason

Statutory Officer powers which are reserved to that designated Officer through legislation may only be exercised by the nominated Officer or their nominated Deputy. A written copy of the appointment shall be kept by Democratic Services.

8.0 **Consultation**

8.1 Officers shall consult with legal, finance and human resources where appropriate and these shall be demonstrated on a Record of Decision Form.

9.0 **Transfer of Delegations**

9.1 A Director may exercise any delegated power possessed by the Chief Executive if that post is vacant or the post holder is absent.

9.2 The Chief Executive can exercise any delegated power possessed by a Director (with the exception of statutory powers which shall be exercised by nominated Deputies) if that post is vacant or the post holder is absent.

9.3 The Chief Executive can exercise any delegations apart from statutory delegations which shall be exercised by the nominated Deputies in their absence.

Where the name of a post is changed, or its relevant functions become vested in a different post, any delegated powers possessed by the post shall be retained by the renamed post or transferred to the different post as the case may be. This includes any delegated powers vested in a post by resolution of the Council, the Cabinet or a Committee.

9.4 Where a service is restructured, the Chief Executive shall have authority to re-allocate the delegated powers to other posts and shall give notice of this to the Monitoring Officer. This shall be considered a minor change to the Constitution and within the Monitoring Officers delegated authority.

10.0 **Proper Officers**

10.1 In addition to the specific powers delegated to Chief Officers, local government legislation specifies that certain officers must have responsibility for a number of specific functions. Each officer with such responsibility is known as the "Proper Officer" in relation to that task. The list of Proper Officers is approved by the Council.

11.0 **Statutory Officers**

11.1 The Council is required to appoint certain officers known as Statutory Officers to take responsibility for functions specified in local authority legislation. These functions are in addition to the Scheme of Delegation and called Statutory Officer Delegations.

12.0 **Chief Officers**

12.1 Chief Officers are delegated authority to take any decision in relation to the functions within their area of service responsibility as detailed in this Constitution. This includes but is not limited to the ability to exercise within approved budgets all matters of day to day administration and operational management of the services and functions for which they are responsible, take all necessary action to achieve and implement the objectives and actions set out in approved policies, strategies, plans and decisions of the Council, sign licences and notices and place orders for goods and services relevant to their service areas and increase fees and charges in line with the Financial Procedure Rules.. For clarity this includes all operational Human Resources matters relevant to area of responsibility.

12.2

Post	**Area(s) of Responsibility**
(a) Chief Executive **(b) <u>Statutory Officer:</u>** **Head of Paid Service**	Returning Officer for local elections Acting Returning Officer for parliamentary elections Overall responsibility for the delivery of all Council services All staffing matters except for restrictions contained within the Employment Procedure Rules
(c) Deputy Chief Executive & Director for People & Communities	Housing and Communities - Housing management function - Revenues and Benefits - Customer Services

	- Homelessness - Community Safety People Services - Health and well-being - Leisure and physical activity, including Leisure centre contract management - Complex case work including Me and My Learning and Intensive Housing Management. - - Assistive Technology - Assets of Community Value
(d) Director for Law & Governance	Legal Information Governance Complaints Democratic Services Elections
(e) Director for Corporate Services	Finance Procurement Internal and External Audit ICT Corporate Planning and Improvement HR & Communications Communications and Marketing
(f) Director for Growth & Regeneration	Growth & Regeneration Housing & Commercial Assets Waste and Environmental Management Strategic Planning & Regulatory Services: - Development Control - Building Control - Local Plan and Planning Policy - Environmental Health including Private Sector Housing - Licensing - Private Sector - Strategic Housing

Statutory Officer Delegation

12.3

Post	Delegations
Head of Paid Service	To act as Head of Paid Service for the Council in accordance with the duties set out in Section 4 of the Local Government Act 1989
1	To exercise overall responsibility for corporate management and operational issues (including overall management responsibility for all staff)
2	To express the views of the Council with regard to Local Government and the functions associated with it.
3	To take such action as he/she considers appropriate in an emergency. In an emergency situation to exercise any and all discretion in relation to any function of the Council including the waiving of constitutional requirements and Financial Procedure Rules. This action shall be taken in consultation with the Chief Finance Officer, Monitoring Officer and the Leader and/or Deputy Leader. Any decisions taken under this paragraph shall be reported by the Chief Executive Officer to the next meeting of Council explaining the reasons for the decision.
4	In consultation with the Leader and/or Deputy Leader to access and spend the Regeneration and Innovation Fund up to £50,000
5	To act and perform all functions and duties of Electoral Registration Officer, Returning Officer, Deputy Returning Officer, Local Returning Officer, Acting Returning Officer and Local Counting Officer in all elections and referenda.
6	To undertake all elections functions identified in the Council Functions and Procedure Rules.
7	To approve the making of Orders altering the number of Parish Councillors for any Parish
8	To sign and seal documents on behalf of the Council as required.
9	Following consultation with the relevant Portfolio Holder to select a substitute to represent the Council and Cabinet on outside bodies if the nominated representative is unable to attend.
10	On recommendation of the Monitoring Officer, to approve one off expenditure in pursuance or determination of any employment related matters including restructures, redundancies or settlement agreements up to £50,000
11	To determine all staffing matters. This includes determining matters relating to structure (additions, reductions and other changes to the establishment), the appointment, dismissal, suspension or discipline of staff except for Chief Officer restrictions contained within the Officer Employment Rules. For the avoidance of doubt this power includes secondments and temporary appointments of any staff. In each case there must be adequate budgetary

	provision or in each case the gross cost per decision shall not exceed £5,000 per annum when implemented and the total cost in any financial year shall not exceed the sum of £20,000.
12	To suspend the Monitoring Officer and Section 151 Officer limited to suspension for a maximum of 2 months.
13	Where the decision of Chief Executive Officer taken under above requires consideration of the financial/budgetary implications and a decision in that respect only, then the matter will be referred to the Cabinet, provided that the remit of the Cabinet shall be limited to decisions on financial matters only.
14	To appoint consultants up to a limit of £85,000
Monitoring Officer	To act as Monitoring Officer for the Council in accordance with the duties set out in Section 5 of the Local Government Act 1989.
15	To authorise the settlement of actual or potential Local Government and Social Care Ombudsman cases across all functions of the Council up to £25,000 (which after settlement shall be reported to Cabinet)
16	Approval to make compensation payments in consultation with the Chief Finance Officer in accordance with the Compensation Policy
17	To effect the taking or the grant, renewal, rent assignment, transfer, surrender, review and termination of any leases, licences, easements, wayleaves, consents and rights in land and buildings, the income from which does not exceed £20,000 per annum or a premium payable does not exceed £20,000 per annum and determine compensation payments in relation to the same
18	To authorise the settlement of actual or potential uninsured claims in consultation with the Chief Finance Officer
19	To ensure the promotion and maintenance of high standards of conduct within the Council as set out in the Council Functions and Procedure Rules
20	To consider and report on any report of the Local Government and Social Care Ombudsman and to decide on and implement the action to be taken and to approve and make compensation payments on the recommendation of the Ombudsman whether or not a budget exists up to a maximum of £5,000 in respect of each recommendation.
21	To prosecute, defend, make application, serve any notice or appear on behalf of the Council in any Court, Tribunal or hearing on any criminal, civil or other matter (including appeals).
22	To institute legal proceedings for any offences within the Council's area
23	To lodge objections to any proposal affecting the Council's interests.

24	To determine applications for the display of the logo of the Council.
25	To take all action including the completion of agreements, the service of notices, giving of directions, obtaining or issuing orders, authorising the execution of powers of entry, and the institution and defence of legal proceedings necessary or desirable to protect and advance the interests of or discharge the roles, functions and responsibilities of the Authority.
26	To make discretionary payments under Land Compensation Act 1973 on the recommendation of the District Valuer.
27	All Regulation Investigatory Proceedings Act functions
28	To make Orders for the Temporary Closure of Highways and Regulation of Traffic.
29	To approve the payment of claims for diminuation in value not exceeding £15,000 in each case under the terms of the Land Comensation Act 1973.
30	To sign indemnities where required
31	To approve the purchase prices and all compensation payable in respect of land and buildings including in Compulsory Purchase Orders, Closing and Demolition Notices and Blight Notices.
32	To attest the affixing of the Council's seal to all documents approved for sealing.
33	To sign and seal documents.
34	To authorise appropriate Officers to administer formal cautions in respect of criminal offences.
35	To determine whether a particular claim for payment under the Members Allowances Scheme is appropriate.
36	To authorise appropriately qualified employees or persons acting on behalf of the Council to appear in, and conduct legal proceedings in, any Court or Tribunal on behalf of the Authority.
37	To repurchase former Council houses
38	To prove debts owed to the Authority in bankruptcy and liquidation proceedings.
39	To settle proceedings of any description including the payment of damages and legal costs for claims of less than £15,000 in consultation with the Chief Finance Officer
40	To authorise, issue and serve all Statutory Notices under any enactment.
41	To make such changes to the Council's Constitution as he/she deems to be necessary and which are in the Council's interests and not major in nature, including, but not limited to, changes amounting to routine revisions, to provide appropriate clarity, to correct typographical and other drafting errors, to reflect new legislation, to correct inconsistencies in drafting Officer Delegations, to reflect new officer structures and job titles, properly approved through Council processes.

Chief Finance Officer (s.151)	To act as the Councils responsible officer for finance under Section 151 of the Local Government Act 1972, Section 114 of the Local Government Finance Act 1988, the Local Government and Housing Act 1989, the Local Government Act 2003, and all other relevant legislation.
42	To carry out the functions and responsibilities which are detailed in the Financial Procedure Rules
43	To ensure effective treasury management, including taking all action necessary in relation to all debts, payment of accounts, loans (including guarantees and indemnities), grants, advances, investments, financing and banking generally
44	To take all action necessary to ensure the safeguarding of assets by maintaining and administering appropriate insurance and approving requests to postpone legal charges
45	To make application to Government agencies and other organisations for grant aid, external funding and/or financial assistance on behalf of the Council.
46	To make any necessary changes to the Retail Relief Scheme in accordance with further guidance from Central Government consultation with partners across Leicestershire and to improve the scheme based on experience from delivery of the Scheme.
47	To utilise resources above the minimum HRA working balance for schemes and projects supporting the HAMP and in line with the HRA Business Plan.
48	To adjust the Local Council Tax Support scheme annually with regard to updating personal allowances and premiums and changes to the Universal Credit Scheme affecting the Local Council Tax Support Scheme as announced by Central Government
49	To adopt the local business rate relief scheme where it is in the interest of local businesses and the Council to do so, following guidance from Central Government.
50	To determine application for the Community Facilities (Small Grants Scheme) under the Local Government (Miscellaneous Provisions) Act 1976
51	To take all necessary action in respect of the Council's role in relation to the administration and operation of the Leicestershire Pension Fund including to accept transfers (in respect of an individual employees application to transfer in pension from a previous scheme), to the local government pension scheme outside the 12 month period, in those cases where the scheme member had not been informed of the time limit
52	To approve, in consultation with the relevant Portfolio Holder, supplementary capital or revenue estimates where those estimates are fully funded through awarded ring-fenced grants
53	To automatically update travelling and subsistence allowance payable to members and officers from the dates and in accordance with the rate specified by the

	NJC.
54	To approve technical IT policies and make minor changes to all IT Policies
55	To approve the payment of claims for diminution in value not exceeding £15,000 in each case under the terms of the Land Compensation Act 1973 (Part One)
56	To determine an annual basis the setting/calculation of National No Domestic Rate 1 Form NNDR and the Council Tax Base
57	To vote in the BID ballot in consultation with the relevant Director reflecting members wishes as expressed by Cabinet
58	To approve supplementary estimates that is within the Budget and Policy Framework up to a maximum of £50,000 in any financial year to be funded from the working balance.
59	To settle in consultation with the Monitoring Officer uninsured losses
60	After consultation with the relevant Portfolio Holder to authorise the write-off of bad/irrecoverable debts up to an approval limit of £2,500. Larger debts will be included in a report for information to the Cabinet.
61	In consultation with the appropriate Director to increase charges for Council services: - By an amount up to any increase in the Retail Price Index for the relevant period - Where legislative changes affect the cost of providing a service - Where the increase is related to a county wide service
62	To approve in year amendments to all fees and charges
63	To authorise amendments to the Contract and Financial Procedure Rules within the Constitution following legislative or other statutory changes and minor procedural and operational changes.
64	To write off any equipment or goods which he/she is satisfied are of no further use to the Council and dispose of the same in line with the Financial Procedure Rules

APPENDIX A4

AUDIT AND STANDARDS COMMITTEE

FUNCTIONS AND PROCEDURE RULES

The Council has established an Audit and Standards Committee. Audit and Standards are not Cabinet functions and cannot be discharged by the Cabinet.

These Rules detail what powers the Audit and Standards Committee has and how Committee meetings and Standards Sub Committees are conducted. In general, Audit and Standards Committee deals functions relating to audit, constitution and governance, mayoralty, members support and training, risk management and internal control, ethics and probity and RIPA.

The Council has delegated certain functions to the Committee and to certain Officers. The Committee, Sub Committee and relevant Officers have the powers shown below in Functions of the Audit and Standards Committee.

1.0 Functions of the Audit and Standards Committee

	Function	Delegation (who function can be carried out by instead of Committee)	Exceptions to Delegation (must be carried out by Committee)
1.1	To approve the internal audit charter and monitor the performance of Internal Audit	None	None
1.2	Receive reports on the progress against the annual internal audit plan.	None	None
1.3	Monitor and ensure performance of Internal and External Audit recommendations.	None	None
1.4	To consider the appointment of the External Auditor, the audit fee, the provision of any non-audit services by the external auditor and any questions of resignation or dismissal of the external auditor.	None	None
1.5	To receive reports outlining the action taken where the Head of Internal Audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about	None	None

	progress with the implementation of agreed actions.		
1.6	To approve significant interim changes to the risk-based internal audit plan and resource requirements.	None	None
1.7	To provide free and unfettered access to the Chair for the Head of Internal Audit, including the opportunity for a private meeting with the Committee.	None	None
1.8	To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by PSAA or the authority's auditor panel as appropriate.	None	None
1.9	To receive the External Audit Annual Plan and discuss, if necessary, with the External Auditor before the audit commences the nature and scope of the audit.	None	None
1.10	To review and approve the Financial Statements, External Audit opinion and report to Members and monitor Management Action in response to any issues raised.	None	None
1.11	To receive the Internal Audit Annual Plan for the Council and Annual Internal Audit report, addressing key internal control issues as required.	None	None
1.12	Review and adopt the Annual Governance Statement	None	The Leader and appropriate Cabinet Member shall be invited to attend the Committee and participate in the discussion and debate but shall not have voting rights.
1.13	To consider the Councils Code of Corporate Governance and approve the Annual Statement in that respect.	None	None

1.14	To consider the External Audit findings from their review of the Statement of Accounts.	None	None
1.15	To consider and approve after review by the External Auditor the Statement of Accounts and report such to Council.	None	None
1.16	To review and adopt the detailed and summary Annual Governance Statement after review by Internal Audit.	None	None
1.17	To provide comments to Council on amendments to the Constitution.	Monitoring Officer	Significant amendments unless required by legislation or other statutory changes
1.18	To deal with all matters relating to the Mayoralty which are not reserved to Council	Director for Law and Governance	None
1.19	Approve Strategies and Policies relvenat to the functions of the Committee as determined by Chief Finance Officer	Chief Finance Officer Monitoring Officer	Significant amendments unless required by legislation or other statutory changes.
1.20	To approve the Gifts and Hospitality Annual report	None	None
1.21	To promote and maintain high standards of conduct by councillors and co-opted members including Parish Councils	Monitoring Officer Standards Sub Committee.	Breaches of the Code of Conduct which shall be referred to the Standards Sub Committee.
1.22	Provide comments to the Council on the adoption or revision of the Members Code of Conduct and monitor its operation.	None	None
1.23	Approve the provision of training, guidance and support in the context of the Member Development Programme	Monitoring Officer	Significant Changes to the Member Development Programme
1.24	Dispensations to Members and co-opted Members relating to interests set out in the Members Code of Conduct.	None	None
1.25	To determine complaints against Members including Parish Councillors.	Monitoring Officer Standards Sub Committee.	Breaches of the Code of Conduct which shall be referred to the Standards Sub Committee.

1.26	To grant exemptions for politically restricted posts.	Monitoring Officer	None
1.27	To adopt the RIPA Policy	Monitoring Officer	Significant amendments unless required by legislation or other statutory changes.

2.0 **Procedure Rules**

2.1 Application of the Meetings Procedure Rules

These Rules should be read in conjunction with The Meetings General Procedure Rules which detail the rules of debate and apply to all meetings of Council except as varied below.

2.2 Composition of the Committee

The Committee shall comprise ten Councillors all of whom shall have undertaken mandatory training contained within the Members Development Programme as well as any ad hoc training considered mandatory by the relevant Chief Officer due to legislative changes throughout the year.

Attendance must be for the duration of each training session, at least every other year. The Committee is politically balanced.

2.3 A record of attendance at training sessions will be maintained by Democratic Services.

2.4 Quorum

The quorum for the Committee shall be five Members which must be maintained for the duration of the meeting.

2.5 Who shall Chair the Meeting

The Chair of Audit and Standards Committee as determined by Council at the Annual Council Meeting shall preside and in their absence the Vice Chair of Audit and Standards shall preside (this cannot be a Member of Cabinet). If neither are in attendance, the Chair shall be elected by attending Members by a majority of votes.

3.0 **Standards Sub Committee Procedure Rules**

3.1 Application of the Meetings Procedure Rules

These Rules should be read in conjunction with The Meetings General Procedure Rules which detail the rules of debate and apply to all meetings of Council except as varied below.

3.2 Composition of the Sub Committee

The Sub Committee shall comprise five Members of whom are Members of the Audit and Standards Committee. The Sub- Committee is politically balanced.

3.3 A co-opted Parish Councillor shall be included within the composition when dealing with complaints relating to Parish Councillor(s).

3.4 The Leader shall not be a Member of the Sub Committee.

3.5 Quorum

The quorum for the Committee shall be three Members which must be maintained for the duration of the meeting.

3.6 Who shall Chair the Meeting

Members shall decide by consensus who shall preside at the meeting. All Members of the Committee are eligible to hold this position of office other than Members of the Cabinet

4.0 Order of proceedings for Standards Sub-committee hearings

4.1 'Subject Member' means the Member of the Authority who is the subject of the allegation being considered by the Standards Committee, unless stated otherwise. It also includes the member's nominated representative.

4.2 'Investigator' means the Monitoring Officer or external investigator appointed by the Monitoring Officer and includes his or her nominated representative.

4.3 'Committee' refers to the Standards Sub-Committee.

4.4 'Legal adviser' means the officer responsible for providing legal advice to the Committee. This may be the Monitoring Officer, another legally qualified officer of the authority, or someone appointed for this purpose from outside the authority.

The parties to the hearing shall provide any written representations to the Council and notification of any witnesses attending and representation in writing to the Council offices or by emailing democraticservices@melton.gov.uk ten clear days before the date of the hearing. Written representations shall be provided to the other parties. No written material shall be considered at the hearing unless it has been submitted in accordance with this rule.

4.5 Representation

The Member may be represented or accompanied during the meeting by a solicitor, counsel, or, with the permission of the committee, another person.

4.6 Legal advice

The Committee may take legal advice from its legal adviser at any time during the hearing or while they are considering the outcome. The member and the investigator if they are present should be advised of the substance of any legal advice given by the legal adviser in the absence of the parties.

The Chair of the Committee shall undertake introductions.

4.7 The Chair will ensure the parties understand the procedure to be followed.

4.8 The Committee will decide whether part or all of the hearing should be held in private because the public interest in doing so outweighs the public interest in holding the meeting or that part of the meeting in public in accordance with the Access to Information Rules.

4.9 The Committee will decide what action to take if a party does not attend the hearing.

4.10 The Chair of the Panel may agree to vary this procedure in any particular instance where he/she is of the opinion that such variation is necessary in the interests of fairness.

4.11 The Role of the Independent Person

The Independent Person is invited to attend the Hearing and their views must be sought and taken into consideration before the Committee takes any decision on whether the Subject Member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

4.12 Stage One- Preliminary procedural issues

The Committee should resolve any procedural issues which have not been resolved during the prehearing process.

4.13 Stage Two- Making findings of fact

The Committee shall consider whether or not there are any significant disagreements about the facts contained in the Investigator's report.

4.14 If there is no disagreement about the facts, the Committee shall move on to the next stage of the hearing.

4.15 If there is a disagreement, the Investigator, if present, shall be invited to make any necessary representations to support the relevant findings of fact in the report.

4.16 With the Committee's permission, the Investigator may call any necessary supporting witnesses to give evidence. The Committee may give the Subject Member an opportunity to challenge any evidence put forward by any witness called by the Investigator.

4.17 The Subject Member shall have the opportunity to make representations to support his/ her version of the facts and, with the Committee's permission, to call any necessary witnesses to give evidence.

4.18 At any time, the Committee may question any of the people involved or any of the witnesses, and may allow the Investigator to challenge any evidence put forward by witnesses called by the Subject Member.

4.19 The parties will leave the room to allow the Committee to consider the representations and evidence in private. On their return, the Chair will announce the Committee's findings of fact.

4.20 Stage Three- Did the Member fail to follow the code

The Subject Member shall be invited to give relevant reasons why the Committee should not decide that he or she has failed to follow the Code.

4.21 The Committee shall consider any verbal or written representations from the Investigator.

4.22 The Committee may, at any time, question anyone involved on any point they raise in their representations.

4.23 The Member shall be invited to make any final relevant points.

4.24 The Committee will ask the parties to leave the room to allow them to consider the representations.

4.25 On their return, the Chair will announce the Committee's decision as to whether or not the Member has failed to follow the Code of Conduct.

4.26 Stage Four- Determination

4.27 If the Subject Member has not failed to follow the Code of Conduct

If the Committee decides that the Subject Member has not failed to follow the Code of Conduct, the Committee can move on to consider whether it should make any recommendations to the Authority.

4.28 If the Subject Member has failed to follow the Code of Conduct

If the Committee decides that the Subject Member has failed to follow the Code of Conduct, it will consider any verbal or written representations from the Investigator and the Member as to:

- whether or not the Committee should apply a sanction; and
- what form any sanction should take.

4.29 A sanction may include any one or a combination of the following:

- Publish its findings in respect of the Subject Member's conduct;
- Report its finding to Council for information;
- Recommend to Council that the Member be censured;
- Recommend to the Members group leader (or in the case of ungrouped members recommend to Council) that he/she be removed from any or all Committees or Sub Committees of the Council;
- Recommend to the Leader of the Council that the Member be removed from the Cabinet, or removed from their Portfolio responsibilities;
- Instruct the Monitoring Officer to arrange training for the Member;
- Recommend to Council that the Member be removed from all outside bodies, appointments to which they have been appointed or nominated by the Council;
- Withdraw facilities provided to the Member by the Council such as a computer, website and/or e-mail and internet access; or
- Place such restrictions on Members access to staff which may be reasonable in the circumstances and in accordance with the Member/Officer Protocol provided that such restrictions do not impede the member from carrying out their duties as a Councillor.

4.30 The Committee may question the Investigator and Subject Member, and take legal advice, to make sure they have the information they need in order to make an informed decision.

4.31 The Committee will ask the parties to leave the room to allow them to consider whether or not to impose a sanction on the Subject Member and, if so, what the sanction should be.

4.32 On their return, the Chair will announce the Committee's decision.

4.33 Recommendations to the Authority

After considering any verbal or written representations from the Investigator, the Committee will consider whether or not it should make any recommendations to the Authority, with a view to promoting high standards of conduct among members.

4.34 The written decision

The Committee will announce its decision on the day and will issue a full written decision within five working days. A copy of the decision will be circulated to the Subject Member and the Audit and Standards Committee.

EMPLOYMENT COMMITTEE

Functions and Procedure Rules

Under the Local Government Act 1972 the Council has established an Employment Committee. Employment matters are not Cabinet functions and cannot be discharged by the Cabinet. These Rules detail what powers the Employment Committee has and how Committee meetings are conducted. In general, Employment Committee deals with employment matters relating to Chief Officers as defined in the Officer Employment Procedure Rules.

The Council has delegated certain functions to the Committee and to certain Officers. The Employment Committee has the powers shown below in Functions of the Employment Committee. It also has two Sub Committees called the Employment Sub Committee and the Employment Appeals Sub Committee.

1.0 **Functions of the Employment Committee**

	Function	**Delegation (who function can be carried out by instead of Employment Committee)**	**Exceptions to Delegation (must be carried out by Council)**
1.1	Appointment of Chief Officers (except Chief Executive) subject to any notice requirements.	Employment Sub Committee	Appointment of Chief Executive
1.2	Recommend appointment of Chief Executive to Council subject to any notice requirements.	Employment Sub Committee	None
1.3	Dismissal of Chief Officers (except statutory officers) subject to any notice requirements.	Head of Paid Service Employment Sub Committee Employment Appeals Sub Committee	Dismissal of Statutory Officers
1.4	Disciplinary Action against Chief Officers	Head of Paid Service Employment Sub Committee Employment Appeals Sub Committee	Disciplinary action/capability which may result in dismissal for Statutory Officers
1.5	Recommend dismissal of Statutory Officers	Employment	None

	which will be supported by a report from the Councils Independent Person (following a determination by the Employment Appeals Committee if necessary) to Council subject to any notice requirements.	Sub Committee Employment Appeals Sub Committee	
1.6	To deal with matters of capability (performance and sickness) relating to Chief Officers	Head of Paid Service Employment Sub Committee Employment Appeals Sub Committee	Capability which may result in dismissal for Statutory Officers
1.7	To determine appeals from Chief Officers against disciplinary action, capability, grievance and harassment claims.	Employment Appeals Sub Committee	None
1.8	To deal with appeals from Chief Officers against dismissal	Employment Appeals Sub Committee	Dismissal of Statutory Officers
1.9	To deal with grievance and harassment complaints against the Chief Executive	Employment Sub Committee Employment Appeals Sub Committee	None
1.10	To approve Terms and Conditions including pay for Chief Officers	Head of Paid Service	None

Employment Committee Procedure Rules

2.0 These Rules should be read in conjunction with The Meetings General Procedure Rules which detail the rules of debate and apply to all meetings of Council except as varied below.

2.1 Composition of the Committee

The Committee shall comprise seven Councillors all of whom shall have undertaken mandatory training contained within the Members Development Programme. Attendance must be for the duration of each training session. The Leader and Deputy Leader shall form part of the Committee.

The Committee will be politically balanced.

2.2 Training is mandatory in accordance with the Member Development Programme. A record of attendance at training sessions will be maintained by Democratic Services.

2.3 There shall be no substitutions.

2.4 Quorum

The quorum for the Committee shall be four members which must be maintained for the duration of the meeting.

2.5 Who shall Chair the Meeting?

The Chair of the Employment Committee as determined by Council at the Annual Council Meeting shall preside and in their absence the Vice Chair shall preside. If neither are in attendance, the Chair shall be elected by attending Members by a majority of votes.

3.0 Employment Sub Committee and Employment Appeals Sub Committee Procedure Rules

3.1 These Rules should be read in conjunction with The Meetings General Procedure Rules which detail the rules of debate and apply to all meetings of Council except as varied below.

Composition of the Committee

The Committee shall comprise three Members all of whom shall have undertaken mandatory training contained within the Members Development Programme. Attendance must be for the duration of each training session. In the event of an appeal against a decision of the Employment Sub Committee, the Employment Appeals Sub Committee shall not consist of the same Members who made the original decision..

The Committee will be politically balanced.

Training is mandatory in accordance with the Member Development Programme. A record of attendance at training sessions will be maintained by Democratic Services.

There shall be no substitutions.

Quorum

The quorum for the Committee shall be three members which must be maintained for the duration of the meeting.

Who shall Chair the Meeting?

Members shall decide by consensus who shall chair the meeting.

Order of Proceedings (all matters except recruitment)

All parties to the hearing shall provide any written representations to the Council in writing to the Council offices or by emailing democraticservices@melton.gov.uk ten clear days before the date of the hearing. Written representations shall be provided to the other parties. No written material shall be considered at the hearing unless it has been submitted in accordance with this rule.

3.2 The Chair of the Committee shall undertake introductions.

3.3 The Chair will ensure the parties understand the procedure to be followed and ask if the Chief Officer wishes to have representation.

3.4 The Committee will decide whether part or all of the hearing should be held in private because the public interest in doing so outweighs the public interest in holding the meeting or that part of the meeting in public in accordance with the Access to Information Rules.

3.5 The Committee will consider requests from any of the parties for permission for another person to appear at the hearing as a witness.

3.6 The Committee will decide what action to take if the Chief Officer does not attend the hearing.

3.7 The Councils representative will present his/her report and outline relevant information such as the process followed, representations and any relevant information following which the parties participating in the hearing and members of the Committee may ask questions of the applicant.

3.8 The parties participating in the hearing and members of the Committee may ask questions of the Council representative.

If applicable the Council representative will invite any witnesses to attend the Committee. The Council representative shall ask questions of the witness, followed by the Chief Officer or their representative and finally Committee members.

3.9 The Chief Officer or their representative shall present their case following which the parties participating in the hearing and members of the Committee may ask questions of the Statutory Officer. If the Chief Officer is not present any information provided by them will be considered by the Committee.

3.10 If applicable the Chief Officer will invite any witnesses to attend the Committee. The Statutory Officer or their representative shall ask questions of the witness, followed by the Council representative and finally Committee members.

- In the case of Statutory Officers, the Independent Person will present his/her report and outline relevant information such as the process followed, representations and any relevant information following which the parties participating in the hearing and members of the Committee may ask questions of the applicant.
- The Council representative shall summarise their case.
- The Statutory Officer shall summarise their case.
- The Committee shall retire with their legal advisor to make a decision which will be communicated at the hearing

3.11 A summary of the decision shall be provided at the meeting where possible along with notification of the appeals process.

Order of Proceedings (Recruitment)

Proceedings shall be conducted in a fair and transparent manner and in accordance with proper advice and the functions of the Committee

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LICENSING COMMITTEE

Functions and Procedure Rules

The Licensing Act 2003 requires the Council to establish a Licensing Committee. Licensing is not a Cabinet function and cannot be discharged by the Cabinet.

These Rules detail what powers the Licensing Committee has and how Licensing Committee meetings and Sub Committees are conducted. In general, Licensing Committee deals with functions relating to licensing registration, enforcement and duties and powers contained within relevant legislation shown below.

The Council has delegated certain functions to the Committee and to certain Officers. The Licensing Committee, Sub Committee and relevant Officers have the powers shown below in Functions of the Licensing Committee

1.0 **Functions of the Licensing Committee**

	Function	**Delegation (who function can be carried out by instead of Licensing and Regulatory Committee)**	**Exceptions to Delegation (must be carried out by Licensing Committee)**
1.1	Determine any matter relating to street trading licences and markets	Director for Growth and Regeneration	None
1.2	Determine applications under the minor works provisions of the Local Government and Housing Act 1989.	Director for Growth and Regeneration	None
1.3	Determine the licensing of all animal establishments and all animal welfare issues under the relevant legislation	Director for Growth and Regeneration	None
1.4	Determine any matter relating to the licensing of sex establishments pursuant to the passing of a resolution under section 2 of the Local Government (Miscellaneous Provisions) Act 1982.	Director for Growth and Regeneration	Where relevant representations/objections have been received
1.5	Determine matters relating to motor salvage operator's licences	Director for Growth and Regeneration	None
1.6	Determine licences of	Director for Growth and	None

	houses in multiple occupation	Regeneration	
1.7	Determine any matter relating to the functions of the Council required by the Licensing Act 2003 or consequent secondary legislation	Licensing Sub Committee; and	Approving the Statement of Licensing Policy which must be referred to Council by way of a recommendation by the Licensing Committee
		Director for Growth and Regeneration	Determining reviews of premises licences or club premises certificate must be referred to Licensing Sub Committee Determining applications for the grant, renewal or transfer of licences, designations or certificates where objections have been received and not withdrawn must be referred to Licensing Sub Committee
1.8	Determine any matter relating to the functions of the Council required by the Gambling Act 2005	Licensing Sub Committee	Approval of Statement Of Principles which must be referred to Council for approval by way of a recommendation from Licensing Sub Committee Determining applications for a club gaming/club machine permits where relevant objections from consultees have been received and have not been withdrawn

		Director for Growth and Regeneration	Determining applications for a transfer of a licence where relevant representations have been received and not withdrawn from the Gambling Commission
1.9	Determine any matter relating to the functions of private hire and hackney carriage licensing functions under the Town and Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 and any secondary or subsequent legislation	Licensing Sub Committee	Determining the provision, siting, designation and establishment of Hackney Carriage Stands which must be recommended to Council for approval Determining Council Policies for the licensing of private hire and hackney carriage vehicles and drivers and private hire operators including standard conditions and the fixing of hackney carriage vehicle fare scales which must be referred to Council by way of recommendation from the Licensing Committee Determining the fee for any licence referred to above which must be referred to Council for approval by way of recommendation from the Licensing Committee Determining Hackney Carriage bylaws which must be referred to Council for approval on recommendation of the Licensing Committee

		Director for Growth and Regeneration	As above and Revoking licences (unless in the interests of public safety) for Hackney Carriages and private hire vehicle drivers and operators which must be referred to Licensing Sub Committee.
1.10	All licensing functions other than those specifically addressed above	Licensing Sub Committee Director for Growth and Regeneration	Where relevant representations/objections have been received

2.0 **Licensing Committee Procedure Rules**

2.1 Application of the Meetings Procedure Rules

These Rules should be read in conjunction with The Meetings General Procedure Rules which detail the rules of debate and apply to all meetings of Council except as varied below.

2.2 Composition of the Committee

The Committee shall comprise ten Councillors all of whom shall have undertaken mandatory training contained within the Members Development Programme. Attendance must be for the duration of each training session, at least every other year. The Committee is not politically balanced. as well as any ad hoc training considered mandatory by the relevant Chief Officer due to legislative changes throughout the year. Attendance must be for the duration of each training session.

2.3 A record of attendance at training sessions will be maintained by Democratic Services.

2.4 Substitution shall apply in accordance with the Substitution Procedure.

2.5 Quorum

The quorum for the Committee shall be five members which must be maintained for the duration of the meeting.

2.6 Who shall Chair the Meeting

The Chair of Licensing as determined by Council at the Annual Council Meeting shall preside and in their absence the Vice Chair of Licensing shall preside. If neither are in attendance, the Chair shall be elected by attending Members by a

majority of votes.

3.0

3.1 Licensing Sub Committee **Procedure Rules**

Application of the Meetings Procedure Rules

These Rules should be read in conjunction with The Meetings General Procedure Rules which detail the rules of debate and apply to all meetings of Council except as varied below.

Composition of the Sub Committee

Sub Committees shall comprise of three Members of whom are members of the Committee from which the Committee derives.

The Sub-Committee shall be politically balanced apart from Licensing Sub Committee which shall not be.

Quorum

The quorum for the Sub Committee shall be three Members which must be maintained for the duration of the meeting.

Who shall preside

Members shall decide by consensus who shall preside at the meeting.

Order of proceedings for Sub-Committee hearings

In the case of a new licence the Applicant is the person applying for the licence; in the case of a review the applicant is the responsible authority applying for the review; in the case of enforcement proceedings the applicant is the licence holder in question.

The parties to the hearing shall provide any written representations to the Council in writing to the Council offices or by emailing democraticservices@melton.gov.uk, 7 (seven) clear days before the date of the hearing. Written representations shall be provided to the other parties in the interests of Natural Justice. No written material shall be considered at the hearing unless it has been submitted in accordance with this rule.

The hearings will be held in accordance with the Access to Information Rules.

The Chair of the Sub-Committee will welcome and introduce the parties present.

The Sub-Committee will decide whether part or all of the hearing should be held in private because the public interest in doing so outweighs the public interest in holding the meeting or that part of the meeting in public in accordance with the Access to Information Rules.

The Chair will confirm that the Licensee has received the paperwork and outline procedure to be followed.

The Sub-Committee will consider requests from any of the parties for permission for another person to appear at the hearing as a witness.

The Sub-committee will decide what action to take if a party does not attend the hearing.

The Licensing Officer/Responsible Authority will make an opening address and present the report and outline relevant information such as representations, information that has been requested from the parties, legislation, the Council's Licensing Policy and any relevant Government guidance.

The parties participating in the hearing and members of the Sub-committee may ask questions of the Licensing Officer in the following order:

- Applicant/Licensee/Interested Party/Other;
- Sub-Committee Members;Legal Adviser

Where applicable, the Applicant/Licensee/Interested Party/Other shall be given the opportunity to present their case.

The parties participating in the hearing and members of the Subcommittee may ask questions of the applicant in the following order:

- Licensing Officer/Responsible Authority;
- Sub-Committee Members;
- Legal Adviser

If a party is not present any information that has been provided as part of the report will be considered by the Sub-committee. All other information will only be considered at the discretion of the Chair in accordance with the rules of Natural Justice and the Human Rights Act 1998.

The Licensing Officer / Responsible Authority will be given the opportunity to make a closing statement.

The Applicant/Licensee/Interested Party/Other will be given the opportunity to make a closing statement.

3.2

3.3 The Sub Committee shall retire with their legal advisor to consider the contents or the report, any representations, legislation and guidance before making a decision

A summary of the decision will be communicated at the hearing along with notification that any appeal must be submitted within 21 days at the local Magistrates Court.

The Chair will advise that detailed decision notice will be issued within 5 working days or as soon as possible thereafter.

The Chair will thank everyone for attending and close the meeting.

The minutes of the meeting will be published and (except where the hearing has been held in private) the notice of the Sub-committee's decision shall be published along with the minutes for the meeting.

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PLANNING COMMITTEE

Functions and Procedure Rules

Under the Local Government Act 1972 Council has established a Planning Committee. Planning is not a Cabinet function and cannot be discharged by the Cabinet.

These Rules detail what powers the Planning Committee has and how Planning Committee meetings are conducted. In general, Planning Committee deals with town and country planning, development control and conservation

The Council has delegated certain functions to the Committee and to certain Officers. The Planning Committee and relevant Officers have the powers shown below in Functions of the Planning Committee.

The Director shall have the option to refer matters to the Committee if they believe that the matter is likely to raise matters which should be referred to the Planning Committee.

1.0 **Functions of the Planning Committee**

	Function	Delegation (who function can be carried out by instead of Planning Committee)	Exceptions to Delegation (must be carried out by Planning Committee)
1.1	To be responsible for all the Council's town and country planning and development control functions under The Town and Country Planning Act 1990, Listed Buildings and Conservation Areas Act 1990 and The Town and Country Planning (General Permitted Development) Order (and any associated or related legislation or regulations).	Director for Growth and Regeneration	Any application submitted by or on behalf of the Council for its own development, or by a serving Member or Officer of the Council and/or their respective co-habiting partners. Where delegated authority is going to be exercised contrary to material representations and; Letters of objection have been received from more than 10 separate households
1.2			Where delegated authority is going to be exercised contrary to material representations and; Letters of objection have been received from more than 10 separate

			households
1.3			Any application where a Member has notified the Director for Growth in writing or by e-mail within 21 days of the publication of the weekly list that the application should be determined by the Planning Committee and the notification is supported by one or more reasoned material planning considerations. In such cases, the Chair of the Planning Committee shall determine whether the application requires a debate by the Committee and whether as a result it should be presented to Committee based upon advice from the Lead Planning Officer.
1.4	**Highways use and regulation** The exercise of powers relating to the regulation of the use of highways (including footpaths and bridleways)	Director for Growth and Regeneration	None
1.5	**Tree Preservation and Hedgerows** Functions relating to the preservation of trees and the protection of important hedgerow, including the making of TPO's and Hedgerow Protection Order. Powers relating to complaints about high hedges.	Director for Growth and Regeneration	None
1.6	**Enforcement powers** The exercise of powers relating to the enforcement of planning control set out in the The Town and Country Planning Act 1990 and any associated or related	Director for Growth and Regeneration Director for Law and Governance	None

	legislation or Regulations**).**		
1.7	**Function**	**Delegation (who function can be carried out by instead of Planning Committee)**	**Exceptions to Delegation (must be carried out by Planning Committee)**
1.8	To be responsible for all the Council's town and country planning and development control functions under The Town and Country Planning Act 1990, Listed Buildings and Conservation Areas Act 1990 and The Town and Country Planning (General Permitted Development) Order (and any associated or related legislation or regulations).	Director for Growth and Regeneration	Any application that in the opinion of the Director for Growth and Regeneration (in consultation with the Chair of Planning Committee) is likely to raise matters which should be referred to the Planning Committee.

2.0 **Planning Committee Procedure Rules**

2.1 Application of the Meetings Procedure Rules

These Rules should be read in conjunction with The Meetings General Procedure Rules which detail the rules of debate and apply to all meetings of Council except as varied below.

2.2 Composition of the Committee

The Committee shall comprise eleven Members all of whom shall have undertaken mandatory training contained within the Members Development Programme on an annual basis which shall consist of annual planning and probity training as well as any ad hoc training considered mandatory by the Director of Growth and Regeneration due to legislative changes throughout the year. Attendance must be for the duration of each training session.

If Members have not completed the mandatory training they will not be able to sit on the Planning Committee until such time as the record of attendance shows that mandatory training has been completed.

2.3 A record of attendance at training sessions will be maintained by Democratic Services.

2.4 Quorum

The quorum for the Committee shall be four Members which must be maintained for the duration of the meeting.

Substitute Members shall be allowed in accordance with the Substitutes Policy.

The Committee is politically balanced.

2.5 Who shall Chair the Meeting

The Chair of Planning as determined by Council at the Annual Council Meeting shall chair and in their absence the Vice Chair of Planning shall preside. If neither are in attendance, the Chair shall be elected by attending Members by a majority of votes.

2.6 **Public Representations**

2.7 Written Representations

Any written comments on applications/photographic content must be received by the Council two clear working days (not including the date of the meeting) prior to a Committee Meeting otherwise they will not be considered by the Committee.

This allows for the planning case officer to evaluate the content, if relevant pass comment upon it, summarise it and circulate it to members at the meeting as part of their addendum

2.8 Public Speaking at Planning Committee Meetings (Have Your Say!)

The applicant, the Parish Council or persons having submitted written representation on a planning application will be informed of the relevant Committee meeting and should they wish to address the meeting of the Planning Committee on the application are able to do so subject to the following criteria.

2.9 There is a right to address the Planning Committee on any application on which it will make a determination. This will not apply in cases where an Officer's report to the Planning Committee on an application is confidential or exempt under the Access to Information Rules.

2.10 A written request to speak by objectors/supporters, Parish Councils and Ward Members must be received by the Council by no later than two clear working days (not including the date of the meeting) prior to the date of the meeting. This should also include any presentation which will support public speaking to enable the planning case officer to evaluate the content, if relevant pass comment upon it, summarise it and circulate it to members at the meeting as part of their addendum.

2.11 Where more than one objector or more than one supporter have expressed a wish to address the meeting they will be asked, in advance of the meeting, to choose a person to speak for all objectors and, if relevant, a person to speak for all supporters. Where agreement on a spokesman can not be found between interested parties the allocated four minutes may be split equally between a maximum of two speakers. . In the absence of such agreement, the first requestor shall speak on their behalf.

2.12 Where an objector wishes to address the Committee the applicant will be informed unless they have already indicated that they wish to address the meeting.

2.13 The Planning Officer shall introduce the report, any necessary updates and an explanation of their recommendation/s to the Committee before public speaking can commence.

2.14 If relevant, a representative from the Parish Council may speak for up to four minutes. At the end of the period of time, the Chair shall ask the speaker to stop whether or not he/she has concluded his/her statement.

2.15 If relevant, the objector or the objectors spokesperson may speak for up to four minutes. At the end of the period of time, the Chair shall ask the speaker to stop whether or not he/she has concluded his/her statement.

2.16 If relevant the supporter or the supporter's spokesperson may speak for up to four minutes. At the end of the period of time, the Chair shall ask the speaker to stop whether or not he/she has concluded his/her statement.

2.17 If relevant the applicant or the applicant's representative may speak for up to four minutes. At the end of the period of time, the Chair shall ask the speaker to stop whether or not he/she has concluded his/her statement.

2.18 If the Local Ward Member(s) is/are present at the Planning Committee and not serving as a Member(s) of that Committee, he/she will be allowed to speak to the Committee for a maximum of four minutes and shall sit in the public gallery for the entirety of the agenda item; being called forward at the appropriate by the Chair to address the Committee.

2.19 Where a member of the Planning Committee decides that they want to act as a representative of their Local Ward, reporting and advocating the views of constituents, they shall seek the consent of the Chair to do so at the start of the meeting. He/she will be allowed to speak to the Committee for a maximum of four minutes and shall sit in the public gallery for the entirety of the agenda item; being called forward at the appropriate by the Chair to address the Committee. He/she shall not participate in consideration of the application by the Committee nor vote on the application.

2.20 Where a Ward Member chooses to continue to act as a Planning Committee representative they shall comply with the Planning Protocol by ensuring that they act on behalf of the Borough Council and are not influenced by locality or have bias towards applicants or areas.

Local Ward Members may not speak as a Ward Member if they have a Disclosable Pecuniary Interest or would not be complying with the wider obligations of the Members Code of Conduct.

2.21 Public participation upon planning applications is limited to the making of statements as described in these Rules. Questions may not be asked and Members may not ask questions of the participant except for clarification purposes

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2.22 Public participation at meetings must be made orally at the meeting. New written statements/photographic content or presentations may not be submitted instead of personal attendance and documents including photographs may not be circulated by a member of the public at the meeting except for a petition, received in accordance with the Petitions Scheme which may be presented to the Chair.

2.23 In speaking to the Planning Committee, any comments made must relate to the relevant planning issues such as:

- Relevant planning policies
- Layout and density of buildings
- Overshadowing, overlooking and loss of privacy
- Appearance and character of development
- Traffic generation, highway safety, parking provisions
- Noise disturbance or other loss of amenities
- Other material planning considerations

2.24 Comments must not relate to irrelevant planning issues such as:

- Boundary Disputes, covenants or other property rights
- Personal remarks (e.g. applicant's motives)
- Reduction in property values
- Loss of private views over land
- Matters dealt with under other statutes (e.g. Licensing)

2.25 In the exercise of absolute discretion, the Chair may disallow or terminate any public participation which is scurrilous, vexatious, improper, irrelevant or otherwise objectionable

2.26 There will be no further opportunity to address the Planning Committee at that meeting except at the request of the Chair for clarification purposes. There may be opportunity to speak again if consideration of the application is deferred to a future meeting (subject to the Chair's discretion to refuse a request to speak if the opportunity to do so was abused when first exercised).

2.27 Applications will not be deferred because of the absence of the applicant, a member of the public, or Parish Council representative, to make an oral presentation to the Planning Committee.

3.0 **Advice at Planning Committees**

3.1 Advice shall be available to Members of the Planning Committee in the form of a Legal Advisor, Lead Planning Officer and any other officers or representatives whose primary role is to advise the Chair and Committee Members.

4.0 **Site Visits by the Planning Committee**

4.1 Before every meeting of the Planning Committee, where appropriate, a site visit for each application will be made.

4.2 It is strongly recommended for any Members of the Committee wishing to vote on the applications, to attend the site visits.

4.3 At the site visit Members shall receive a factual presentation and explanation, with a chance to ask relevant questions.

4.4 At no time should the merits of the planning proposal be discussed.

4.5 Individual Members should not engage in direct discussion with the applicant or agent at any time during a site visit except by questions direct through the Officer.

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SCRUTINY COMMITTEE

FUNCTIONS AND PROCEDURE RULES

As the Council operates a Leader and Cabinet model of governance, it is required under Section 9F of the Local Government Act 2000 to have at least one Scrutiny Committee. The purpose of the Committee is to influence the policies and decisions made by the Council and other organisations involved in delivering public services. They do this through meeting regularly and having input into some policies and decisions before they are made, investigating important public issues through Task and Finish Groups and where appropriate challenging or reviewing decisions once they are made through the Call In Procedure Rules.

Scrutiny Committees are not decision making bodies but their influence and challenge is vital to effective decision making. The Scrutiny Committee can scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As they do not have decision making powers, they cannot delegate any powers to Sub Committees or Officers.

The Council has one Scrutiny Committee which will perform all scrutiny functions on behalf of the Council. The Scrutiny Committee can only consider matters within the functions shown below.

1.0 Functions of the Scrutiny Committee

1.1	To review and scrutinise decisions made, or other action taken, in connection with the discharge of any function
1.2	To make reports or recommendations to Council or the Cabinet as appropriate with respect to the discharge of any function.
1.3	May recommend that a decision made but not yet implemented, be reconsidered by the Cabinet through the Call In Procedure.
1.4	To fulfil all the functions of the Council's designated Crime and Disorder Committee under the Police and Justice Act 2006.
1.5	To fulfil all the functions conferred on it by virtue of regulations under the National Health Service Act 2006 (local authority scrutiny of health matters).

Procedure Rules

2.0 Application of the Meetings Procedure Rules

2.1 These Rules should be read in conjunction with The Meetings General Procedure Rules which detail the rules of debate and apply to all meetings of Council except as varied below.

3.0 Composition of the Committee

3.1 The Committee shall comprise ten Councillors all of whom shall have undertaken mandatory training contained within the Members Development Programme. Attendance must be for the duration of each training session, at least every other year. The Committee is politically balanced.

3.2 A record of attendance at training sessions will be maintained by Democratic Services.

3.3 All Councillors (except members of the Cabinet, the Mayor and Deputy Mayor) may be members of the Scrutiny Committee.

3.4 There shall be no substitutes on Scrutiny Committee.

4.0 **Quorum**

4.1 The quorum for the Committee shall be five members which must be maintained for the duration of the meeting.

5.0 **Who shall Chair the Meeting**

5.1 The Chair of the Scrutiny Committee as determined by Council at the Annual Council Meeting shall preside and in their absence the Vice Chair of Scrutiny shall preside (this cannot be a Member of Cabinet). If neither are in attendance, the Chair shall be elected by attending Members by a majority of votes.

6.0 **Annual Work Plan**

6.1 Each year the Scrutiny Officer will ensure that proposals for the Scrutiny Committee's Annual Work Plan are provided to all Members. The Scrutiny Chair and Vice Chair will be responsible for setting the Annual Work Plan for the Scrutiny Committee and in doing so it shall take into account the wishes of all members including the wishes of those who are not members of the largest political group on the Council.

6.2 The Annual Work Plan is a living document and will be reviewed at each meeting of the Scrutiny Committee.

6.3 In adding items for review to the Annual Work Plan, the Chair of the Scrutiny Committee shall consider;

- Which Corporate Priority the item links to
- If the item is of significant community concern
- If the issue is significant to Partners and/or Stakeholders
- What the added value is of doing the work
- What evidence there is to support the work
- If the Scrutiny work can be completed within a proportionate time to the task identified
- If the work is being done somewhere else
- What will be achieved
- If the Council has the resources to carry out the work effectively

6.4 The Annual Work Plan shall consist of

Work Plan	Detail
Matters which inform the development of the Council's Budget and Policy Framework.	The Scrutiny Committee shall follow the Budget and Policy Framework Procedure Rules.
Matters which inform the development of the Council's approach to matters not forming part of the Council's Budget and Policy Framework.	This may result in a report to Council
Holding enquiries and investigating the available options for future direction in policy development, matters of public concern and any other issues within their Functions.	This may result in a report to the Cabinet This may result in the establishment of a Task and Finish Group
Call in of Key Decisions	The Scrutiny Committee shall follow the Call In Procedure Rules.
Requests by a member of the Scrutiny Committee	Any member of the Scrutiny Committee shall be entitled to ask the Chair for an item relevant to the functions of the Committee to be included on the agenda for the next available meeting of the Committee. The Chair shall have discretion as to whether this should included in the next meeting's agenda.
Requests from the Council and if it considers it appropriate, the Cabinet	The Scrutiny Committee shall respond, as soon as their Annual Work Plan permits, to review particular areas of Council activity. Where they do so, the Scrutiny Committee shall report their findings and any recommendations back to the Cabinet and/or Council.

7.0 **Who can attend Scrutiny Committees**

7.1 All meetings of the Scrutiny Committee shall be open to the public except where the item under discussion is considered exempt or confidential in accordance with the Access to Information Rules.

7.2 The Scrutiny Committee may require any Cabinet member or Chief Officer to attend before it to explain in relation to matters within their remit:

- any particular decision or series of decisions;
- the extent to which the actions taken implement Council policy;
- service performance.

7.3 Members of the Cabinet or Chief Officer have a duty to attend the Scrutiny Committee when requested.

7.4 Portfolio Holders shall attend Scrutiny Committee on an annual basis to report on their portfolios budget and performance.

7.5 Where, in exceptional circumstances, the Portfolio Holder or Chief Officer is unable to attend on the required date, the Chair of the requiring Scrutiny Committee shall in consultation with the Member or Portfolio Holder arrange an alternative date for attendance.

7.6 The Scrutiny Committee may invite people other than those people referred to above to address it, discuss issues of local concern and/or answer questions. It may, for example, wish to hear from residents, stakeholders, expert witnesses, Officers, Members, partners and Officers in other parts of the public sector and shall invite such people to attend. Attendance is entirely optional and shall relate to an item on the agreed Annual Work Plan.

7.7 The Scrutiny Committee may consult and involve the local community and other local public, private and voluntary bodies or organisations on any matter within their workplan as they see fit.

8.0 Scrutiny Task and Finish Groups

8.1 The Scrutiny Committee may establish Scrutiny Task and Finish Groups for specific investigation contained within their Annual Work Plan. There shall be a maximum of two Task and Finish Groups at any one time.

8.2 The Scrutiny Committee shall decide on the number of Members to form the group and also seek volunteers from within the Committee's membership to join the group who will be advised by the Scrutiny Officer. The Committee may also decide to open up membership of the Task and Finish group to other Members, or co-opt other Members on to the group from relevant partners, organisation or community groups.

8.3 The Scrutiny Committee shall agree the Scope of the Task and Finish Group using the Scoping Document which shall include a timescale for the process.

8.4 The Scrutiny Committee may go on site visits, conduct public surveys, hold public meetings, commission research undertake consultation and do all other things that they reasonably consider necessary to inform their deliberations if resources allow.

8.5 Once the evidence has been gathered, the Task and Finish Group will produce a report to be submitted to the Scrutiny Committee outlining details of the review process, evidence gathered, conclusions and subsequent recommendations.

8.6 The Task and Finish Groups are informal meetings without decision making powers and will not generally be open to the public. They shall not be formally minuted and the General Meetings Procedure shall not apply.

9.0 Reports from the Scrutiny Committee

9.1 Once the Scrutiny Committee has completed its deliberations on any matter a copy of its final report will be forwarded to the Chief Executive who will allocate it to either or both the Cabinet and the Council for consideration.

9.2 Where the proposals are consistent with the existing Budget and Policy Framework the report shall be considered by the Cabinet at its next ordinary meeting following submission of the report to the Chief Executive.

9.3 Where the proposals would require a departure from or a change to the agreed Budget and Policy Framework the report shall be considered by Council at the next ordinary meeting of the Council. The Cabinet shall have six weeks in which to respond to the Scrutiny report. Their response would be included within the consultation section of the Scrutiny Report. If the next ordinary Council meeting is prior to the Cabinet having formed a response to the report, the report will be considered at the following meeting of the Council.

10.0 **The Party Whip**

10.1 When considering any matter in respect of which a Member of the relevant Scrutiny Committee is subject to a party whip the Member must declare the existence of the whip and the nature of it before the commencement of the Committee's deliberations on the matter. The declaration and the detail of the whipping arrangements shall be recorded in the minutes of the meeting.

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MEETINGS PROCEDURE RULES

The Council is required by law to have procedural rules that govern proceedings at decision making meetings. For the purposes of these Rules a Sub-Committee does not include a Task and Finish Group or Advisory Group.

These Rules set out how meetings of the Council and most Committees will be conducted, for example, who can speak, when and how proposals are debated. For the avoidance of doubt, the Cabinet, Scrutiny Committee, Planning Committee, Licensing Sub Committee, Employment Committee, Standards Sub Committee and Appeals Committee shall have additional Procedure Rules.

1.0 **When Meetings take place?**

1.1 The time and place of meetings will be determined by the Proper Officer and notified in the summons. Ordinary meetings will be included on the Annual Calendar.

2.0 **How will notice of Meetings be provided?**

2.1 The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules.

2.2 At least five clear days before a meeting, the Proper Officer will send a summons signed by him or her by post or electronic mail to every Member of the Council or leave it at their usual place of residence. Members may provide details in writing of an alternative address or email address to which they would like the summons sent to.

3.0 **Who Chairs the Meetings?**

3.1 The nominated Chair shall chair meetings and in his/her absence, the Vice Chair shall preside. The Chair and Vice Chair shall be determined at the Annual Meeting.

4.0 **Quorum for Meetings**

4.1 Quorum shall be in accordance with the relevant Council/Committee Procedure Rules. During any meeting if the Chair counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately.

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5.0 **Duration of Meeting**

5.1 Unless the majority of Members present vote for the meeting to continue, any meeting that has lasted for three hours will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor. If he/she

does not fix a date, the remaining business will be considered at the next ordinary meeting.

6.0 **Record of Attendance**

6.1 All Members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance

7.0 **Suspension and Amendment of Procedure Rules**

7.1 All of these Rules except Rules XXXX may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Meeting are present. Suspension can only be for the duration of the meeting.

7.2 The Chair will move that the minutes can be signed as they are accurate following which the Chair will sign them.sign the minutes of the proceedings at the next suitable meeting.

7.3 This will not apply to Extraordinary Meetings. The minutes shall be signed at the next Ordinary Meeting instead.

7.4 **Previous Decisions and Motions**

7.5 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a Meeting within the past six months cannot be moved unless the notice of motion is signed by at least six Members.

7.6 **Motion similar to one previously rejected**

7.7 A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least six members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

7.8 **Form of minutes**

7.9 Minutes will contain all motions and amendments in the form and order the Chair put them.

7.10 **Exclusion of Public**

7.11 Members of the public and press may only be excluded either in accordance with the Access to Information Rules.

7.12 **Business**

7.13 The Chair will proceed with the business as per the agenda unless otherwise specified by the Chair in the meeting.

Each item will be conducted in accordance with the Item Determination Flowchart.

7.14 **Motions without Notice**

7.15 The following motions may be moved without notice:

a) to appoint a Chair of the meeting at which the motion is moved;
b) in relation to the accuracy of the minutes;
c) to change the order of business in the agenda;
d) to refer something to an appropriate body or individual;
e) to appoint a committee or member arising from an item on the summons for the meeting;
f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
g) to withdraw a motion to amend a motion;
h) to proceed to the next business;
i) that the question be now put;
j) to adjourn a debate;
k) to adjourn a meeting;
l) that the meeting continue beyond three hours in duration;
m) to suspend a particular Council procedure rule;
n) to exclude the public and press in accordance with the Access to Information Rules;
o) to not hear further a Member named under Rule 19.3 or to exclude them from the meeting under Rule 19.4; and
p) to give the consent of the Council where its consent is required by this Constitution

8.0 **Rules of Debate**

8.1 No speeches until motion seconded

Speeches are not permitted unless moving or seconding a motion. No further speeches are permitted until the motion has been seconded.

Mover of a Motion

A mover of amotion shall be able to explain their motion and make a speech in relation to it. They shall also have a right to reply following the conclusion of the debate.

Seconder of a Motion

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

8.2 Right to require motion in writing

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

8.3 Content and length of speech

Speeches must be directed to the question/motion under discussion. No speech may exceed five minutes without the consent of the Chair.

A Member presenting a report of the Cabinet or other Member Group or moving a motion of which notice has been given may speak for up to 10 minutes.

8.4 When a Councillor may speak again

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

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

8.5 Amendments to motions

An amendment to a motion must be relevant to the motion and will either be:

(i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
(ii) to leave out words;
(iii) to leave out words and insert or add others; or
(iv) to insert or add words

8.6 As long as the effect of (ii), (iii), (iv) is not to negate the motion

a) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
b) If an amendment is not carried, other amendments to the original motion may be moved.
c) If an amendment is carried, the motion as amended takes the place of the

original motion. This becomes the substantive motion to which any further amendments are moved.

d) After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote

8.7 Alteration of motion

A Member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.

8.8 A mover of a motion may alter a motion which he/she has moved without notice with the consent of the seconder. The meeting's consent will be signified without discussion

8.9 Only alterations which could be made as an amendment may be made.

8.10 Withdrawal of motion

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

8.11 Right of reply

The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

8.12 If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.

8.13 Motions which may be moved during debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

(a) to withdraw a motion;
(b) to amend a motion;
(c) to proceed to the next business;
(d) that the question/motion be now put;
(e) to adjourn a debate;
(f) to adjourn a meeting;
(g) that the meeting continue beyond three hours in duration (but no more than four hours in total);
(h) to exclude the public and press in accordance with the Access to Informatio Rules; and
(i) to not hear further a Member named under Rule 20.3 or to exclude them

from the meeting under Rule 20.4

8.14 Closure motions

A Member may move, without comment, the following motions at the end of a speech of another member:
(i) to proceed to the next business;
(ii) that the question be now put;
(iii) to adjourn a debate; or
(iv) to adjourn a meeting

8.15 If a motion to proceed to next business is accepted by the Chair as they think that the item has been sufficiently discussed they will look for the motion to be seconded. If carried, the main question must be put immediately after the mover of the original motion has been given their right of reply. If the matter under discussion is an amendment, the closure affects only that amendment.

8.16 If a motion that the question be now put is accepted by the Chair as they think that the item has been sufficiently discussed they will look for the motion to be seconded. is seconded and the Chair thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.

8.17 If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

8.18 Point of order

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

8.19 Personal explanation

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

9.0 **Urgent Business**

9.1 There are occasions when an urgent decision is needed or a matter cannot wait for the next ordinary meeting of the decision making body.. When an

urgent item has arisen after the despatch of an appropriate agenda, the following procedure applies:

9.2 The Chair has the authority to agree to take urgent items, not on the agenda for the relevant Committee. Items of business should not be raised at meetings without prior notice being given on the appropriate agenda unless;

a) the item has arisen between the compilation of the agenda and the date of th meeting, and
b) the item requires an urgent decision in the public interest which cannot be dealt with by other means

10.0 **Voting**

10.1 Majority

Unless the Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put.

10.2 Chairs casting vote

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

10.3 Show of hands

Unless a ballot or recorded vote is demanded under Rules 15.4 and 15.5, the Chair will take the vote by show of hands.

10.4 Ballots

The vote will take place by ballot if three Members present at the meeting demand it. The Chair will announce the numerical result of the ballot immediately the result is known.

10.5 Recorded vote

There will be a recorded vote of all Members at any budget decision meeting where the authority makes a decision on the making of the calculation [these are defined by statute] or the issuing of the precept [and includes a meeting where these were included as an item of business on the agenda for that meeting.

A right to request a recorded vote may be made by three member demanding it

A recording of the vote will take place if three Members present at the meeting demand it.

10.6 Right to require individual vote to be recorded

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

10.7 Voting on appointments

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

11.0 **Petitions**

11.1 Petitions shall be dealt with in accordance with the Petitions Scheme

12.0 **Extraordinary Meetings**

12.1 Those listed below may request the Proper Officer to call Council meetings in addition to ordinary meetings:

a) the Council by resolution;
(b) the Mayor;
(c) the Monitoring Officer; and
d) any five members of the Council if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition

12.2 When requested the Proper Officer shall call a meeting unless he or she is of the opinion that the business to be discussed at the proposed meeting can conveniently wait under the next Ordinary Meeting of the Council.

12.3 No business may be conducted at an Extraordinary Meeting other than that specified in the resolution, request or requisition which led to it being called.

12.4 When extra Committee Meetings or Sub Committee Meetings are required that are additional to the Calendar of Meetings, these are known as Special' meetings.

13.0 **Disorderly Conduct of Members**

13.1 Member not to be heard further

13.2 If a Member persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the Member be not heard further. If seconded, the motion will be

voted on without discussion.

13.3 Member to leave the meeting

If a Member continues to behave improperly after such motion is carried, or if a Member has spoken or acted in an inappropriate manner the Mayor may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

13.4 General disturbance

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

14.0 **Disturbance by Public**

14.1 Removal of member of the public

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

14.2 Clearance of part of meeting room

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

15.0 **Reporting of Meetings by the Public and Press**

15.1 Any member of the public or press attending a public meeting of the Council may record the proceedings and report them to others. 'Reporting' means filming, photographing, making an audio recording or some other such method of recording proceedings and then reporting on those proceedings, orally or in writing.

15.2 A person attending the meeting may use any appropriate communication method, including the Internet, to publish or share the recorded material This would include the use of social media. Any person wishing to record a public meeting is not required to give the local authority prior notice although they are encouraged to do so in order that reasonable facilities can be provided.

15.3 No one is entitled to record or report the proceedings of a meeting if the meeting has moved into confidential or exempt business. In such circumstances, the public and press are required to cease recording and/or reporting and to leave the meeting and to deactivate and/or remove any

recording or communications equipment. Any person recording or reporting a meeting may not use flash photography or intrusive lighting, or move around the room, or ask any of the participants at the meeting to repeat something they have said. They may not cause excessive noise when installing or moving equipment. They may not give an oral commentary during the meeting. All of these activities would serve to disrupt proceedings and anyone acting in a disruptive manner maybe excluded from the meeting.

15.4 No one may film or photograph any children or vulnerable adults present at the meeting, or outside of the meeting or any member of the public who objects to being filmed.

15.5 There shall be no filming or recording of the area designated as ‘public seating’ at anytime.

BUDGET AND POLICY FRAMEWORK RULES

The Council will be responsible for the adoption of the Budget and Policy Framework as set out below.

The Budget and Policy Framework is the Framework within which Cabinet must make decisions. Except where there are Urgent Decisions, they must only make decisions which conform to the approved Framework.

1.0 **What is the Budget and Policy Framework**

1.1 The following is a list of the plans and strategies, which make up the Budget and Policy Framework

- Plan, Strategy or Budget
- Corporate Delivery Plan
- Plans and strategies which together comprise the Development Plan
- Licensing Policy
- Single Equality Scheme
- Commercial Strategy
- Plans and Strategies which together form the budget
- Melton Community Strategy Plan
- Pay policy?
- Sustainable procurement strategy

2.0 **How the Framework is developed**

2.1 If appropriate, relevant decision making bodies shall be notified of plans to adopt any plan, strategy or budget that forms part of the Budget and Policy Framework and offered the opportunity to consider them.

2.2 The plan, strategy or budget together with any recommendations from the relevant decision making body will then be reported to Cabinet who is responsible for making a proposal to Council to inform the Budget and Policy Framework.

2.3 Council is responsible for the adoption of the Budget and Policy Framework.

2.4 Once the Budget and Policy Framework is in place, it will be the responsibility of the Cabinet to implement it. Except where there is an Urgent Decision, the Cabinet must make decisions within the approved Budget and Policy Framework

3.0 **Process for obtaining approval of the Budget**

3.1 The process by which the Budget shall be approved is as follows:

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3.2 The Cabinet will publicise by including it in the Forward Plan a timetable for making proposals to the Council for the approval of the Budget, and its arrangements for consultation upon its initial Budget proposals.

3.3 The Chair of the Scrutiny Committee will also be notified of the initial Budget proposals.

3.4 If the Scrutiny Committee wishes to respond to the Cabinet in that consultation process then it may do so.

3.5 At the end of the consultation period and in accordance with the published timetable, the Cabinet will draw up firm proposals having regard to the responses to that consultation. The Cabinet will take any response from the Scrutiny Committee and other consultees into account in drawing up firm Budget proposals for submission to the Council, and its report to the Council will reflect the comments made.

3.6 Once the Cabinet has approved the firm Budget proposals, the Proper Officer will refer them at the earliest opportunity to the Council for decision.

3.7 In reaching a decision, the Council may adopt the Cabinet's proposals, amend them, refer them back to the Cabinet for further consideration, or in principle, substitute its own proposals in their place.

3.8 Submission of Budget Amendments

Following publication of budget recommendations there will be a period of five clear working days during which amendments or alternatives (referred to here collectively as "amendments") to the budget recommendations may be proposed. Amendments shall be in writing and must be delivered to the Chief Executive within the period mentioned above. Amendments need not be seconded. Subject to the rules relating to budget Council contained within the Council Procedure Rules amendments received outside this period will be invalid.

Any amendments will only be acceptable if it proposes a budget which balances overall income with expenditure for the year taking into account any use of reserves. The source of funding any proposals must be robust and defined and accepted as such by the Chief Finance Officer.

An alternative budget is one which provides an alternative to each recommendation proposed by the Cabinet.

4.0 Process for Developing the Policy Framework

4.1 The process by which the Policy Framework shall be developed is as follows:

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- The Councils Forward Plan shall detail when proposals will be made by Cabinet to the Council for the adoption or modification of any plan, policy or strategy that forms part of the Policy Framework. Scrutiny Committee shall be consulted if relevant.

4.2 The Council will consider the proposals of the Cabinet and may;

- adopt them
- amend them
- refer them back to the Cabinet for further consideration
- substitute its own proposals in their place

4.3 If the Council accepts the proposals of the Cabinet without amendment their decision is effective immediately. If the proposals of the Cabinet, Chief Finance Officer and Scrutiny Committee are not accepted without amendment, the decision will be provisional. The decision will become effective on the expiry of 10 working days after the publication of the decision, unless the Leader formally objects to it in that period.

4.4 If the Leader objects to the decision of the Council, then the Leader shall give written notice to the Proper Officer to that effect prior to the date upon which the decision is to become effective. The written notification must state the reasons for the objection. Where such notification is received, the proper officer shall convene a further meeting of the Council to re-consider its decision and the decision shall not be effective pending that meeting;

4.5 The Council must take place within 10 working days of the receipt of the Leader's written objection. At that Council meeting, the previous decision of the Council shall be re-considered in the light of the objection, which shall be available in writing for the Council;

4.6 The Council's decision, if not in accordance with the recommendation of the Cabinet, shall require a simple majority of those voting at the meeting;

4.7 The decision shall then be made public, and shall be implemented immediately;

5.0 **Decisions Outside the Budget or Policy Framework**

5.1 Subject to the Financial Procedure Rules, the Cabinet and any Officers may only take decisions which are in line with the Budget and Policy Framework.

5.2 If the Cabinet and any Officers discharging Cabinet functions want to make such a decision, they shall take advice from the Monitoring Officer, the Chief Finance Officer and the Chief Executive as to whether the decision they want to make would be contrary with the Budget and Policy Framework or would not be wholly in accordance with the Budget approved by Council.

5.3 If the advice of the three Officers is that the decision would not be in line with the existing Budget and Policy Framework, then the decision must be referred

by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions for Urgent Decisions Outside the Budget and Policy Framework shall apply.

6.0 Urgent Decisions Outside the Budget and Policy Framework

6.1 The Cabinet or Officers discharging Cabinet functions may take a decision which is contrary to the Council's Budget and Policy Framework or not wholly in accordance with the Budget approved by Council if the decision is a matter of urgency.

6.2 However, the decision may only be taken:-

- if it is not practical to convene a quorate meeting of the Council; and
- if the Chair of the Scrutiny Committee agrees that the decision is a matter of urgency.

6.3 In the absence of the Chair of the Scrutiny Committee the consent of the Mayor of the Council, and in the absence of both, the consent of the Deputy Mayor will be sufficient.

6.4 Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

7.0 Virement Provisions

7.1 This determined in the Financial Procedure Rules.

8.0 In Year Changes to Policy Framework

8.1 No changes to any policy and strategy which make up the Budget and Policy Framework may be made except those changes:-

- which are necessary to ensure compliance with the law, ministerial direction or government guidance;
- Where the Council gave specific authority to make in-year changes

9.0 Call In of Decisions Outside the Budget and Policy Framework

9.1 The Call In Procedure shall apply.

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FINANCIAL PROCEDURE RULES

Financial Procedure Rules provide the framework for managing the authority's finances and contribute to good governance. In addition, they assist with sound administration, reduce the risk of irregularities and support delivery of services.

These Rules support the Council to deliver services and will be read in conjunction with the rest of the Constitution and any relevant legislation.

The Financial Procedure rules apply to all Officers and Members of the Council and anyone acting on behalf of the Council.

The Council is responsible for approving these Financial Procedure Rules and the Budget and Policy Framework. Cabinet is responsible for overseeing matters relating to the council's finances and making decisions within the Budget and Policy Framework and these Rules shall be complied with in making and implementing financial decisions.

In order to assist Members and Officers, the Financial Procedure Rules are set out in self-contained sections each covering a specific area of control. Where appropriate the Financial Procedure Rules are supported by detailed procedure notes. These guidance notes, though printed under separate cover, must be treated as an integral part of the Financial Procedure Rules.

1.0 Application of Financial Procedure Rules

1.1 Officer specific positions and/or Officers are named in the Financial Procedure Rules and it is their responsibility to ensure compliance. However, if the named Officer wishes for reasons of practicality to delegate their authority to another appropriate Officer in their area this is permissible as long as it has been agreed in advance with the Chief Finance Officer and a record kept of such delegations in a form approved by the Chief Finance Officer.

1.2 All Directors and Managers are responsible for ensuring that all Officers and agents under their control are aware of the existence and extent of the Financial Procedure Rules and other regulatory documents and that they comply with them. Failure to comply with Financial Procedure Rules or Financial Guidance may result in disciplinary action.

1.3 In line with the Scheme of Delegation in an emergency situation the Head of Paid service shall be able to exercise the waiving of these Procedure Rules, where this is possible this shall be in consultation with the Chief Finance Officer, Monitoring Officer and Leader/Deputy of the Council. Following the decision, a full report will be submitted to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of emergency.

2.0 Financial Administration

2.1 Any major organisation requires a set of clearly understood rules and regulations

for the management of its financial affairs. Section 151 of the Local Government Act (LGA) 1972 places a duty on the Council to make arrangements for the proper administration of its financial affairs, including the appointment of a Chief Finance Officer. The Director for Corporate Services is for the purposes of Section 151 of the Local Government Act 1972 the "designated" Officer responsible for the proper administration of the Council's financial affairs.

2.2 The Chief Finance Officer shall make a report to the Council under the requirements of Section 114 of the Local Government Finance Act 1988, if required in accordance with the act.

2.3 All Members and Officers have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, is properly authorised and provides value for money.

2.4 Only the Council's corporate systems are to be used for financial transactions. Changes may not be made to financial systems without the agreement of the Chief Finance Officer. Relevant records should be maintained and retained.

2.5 Consultation should take place with the Chief Finance Officer on any matter that is liable materially to affect the finances of the Council, before any commitment is incurred or a bid for external funding is made.

2.6 No decision should be taken without the financial implications being fully considered and this shall include any committee or delegated decision reports.

3.0 Financial Management

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

3.2 Responsibilities of the Director for Corporate Services

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

3.3 Responsibilities of Directors

- To promote the financial management standards set by the Chief Finance Officer in their services and to monitor adherence to the standards and practices, liaising

as necessary with the Chief Finance Officer.
- To promote sound financial practices in relation to the standards, performance and development of staff in their services.

4.0 **Revenue Budget Setting and Medium Term Financial Planning**

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

4.2 The revenue budget must be constructed so as to ensure that resource allocation properly reflects the service plans and corporate priorities of the Council. Budgets (spending plans) are needed so that the Council can plan, authorise, monitor and control the way money is allocated and spent. The format of the budget determines the level of detail to which financial control and management will be exercised. The format shapes how the rules around virement and supplementary estimates operate, the operation of cash limits and sets the level at which funds may be reallocated within budgets.

4.3 Medium-term financial planning (or a three-to-five-year planning system) involves looking forward over a given period to assess the impact of known or likely changes on the Council's financial position. As each year passes, another future year will be added to the medium-term plan. This ensures that the Council is always preparing for events in advance.

4.4 The Council shall set the council tax level and approve a budget each year by 11th March. The Cabinet will recommend a budget to Council. The recommended budget from Cabinet to Council shall, as a minimum, contain:

- The proposed council tax requirement;
- The proposed use of reserves;
- The proposed band D council tax;
- The service level budgets for each service and any growth and saving proposals;
- A forward projection of the medium term financial position;
- An analysis of financial risks that might impact on the budget; and
- The results of consultation and equalities impact assessments.

4.5 **Responsibilities of the Director for Corporate Services**

- To determine the format and timetable for the preparation of revenue estimates by services.
- To ensure the format complies with all legal requirements and with accounting codes and policies.
- To provide financial advice and support to services in the preparation of revenue estimates.
- To prepare and submit reports to the Cabinet and Council on the aggregate spending plans and on the resources available to fund them, identifying, where appropriate, the implications for the level of Council Tax to be levied.
- To advise cabinet and council on the robustness of the estimates and adequate levels of reserves and balances.

- To ensure the budget is accurately recorded in the financial system.
- To advise on the medium-term financial implications of spending decisions.
- To encourage the best use of resources and value for money by working with Directors to identify opportunities to improve economy, efficiency and effectiveness, and by encouraging good practice in conducting financial appraisals in the support of the development of savings options, and in developing financial aspects of service planning.

4.6 **Responsibilities of Directors**

- Working closely with respective Portfolio holders and the Cabinet prepare draft revenue budgets which are in accordance with the corporate strategy and priorities and in a format approved by, and to a timetable specified by the Chief Finance Officer.
- To comply with accounting guidance provided by the Chief Finance Officer.
- To integrate financial and budget plans into service planning, so that budget plans can be supported by financial and non-financial performance measures.

- When drawing up draft budget requirements, to have regard to:

  (a) spending patterns and pressures revealed through the budget monitoring process;
  (b) legal requirements;
  (c) policy requirements as defined by the Council in the approved policy framework;
  (d) initiatives already under way.

- to assess the financial implications of any future service level changes which could affect the medium term financial plan and make the Chief Finance Officer aware.
- Where budget holding responsibilities are delegated, Directors retain responsibility for ensuring compliance with these procedure rules within their service.

5.0 **Managing Revenue Expenditure**

5.1 Expenditure needs to be managed with a degree of flexibility within the overall policy framework determined by the Council, and therefore to optimise the use of resources. Budget management ensures that once the budget has been approved by the Council, resources allocated are used for their intended purposes and are properly accounted for. Budgetary control is a continuous process during the financial year. It also provides the mechanism that calls to account managers responsible for defined elements of the budget.

5.2 By continuously identifying and explaining variances against budgetary targets, the Council can identify changes in trends and resource requirements at the earliest opportunity. The Council itself operates within an annual cash limit, approved when setting the overall budget. To ensure that the Council in total does not overspend, each service is required to manage its own expenditure within the cash-limited budget allocated to it.

5.3 For the purposes of budgetary control by budget holders, a budget will normally be

the planned income and expenditure for a service area, cost centre, project or programme of activity. However, budgetary control may take place at a more detailed level if this is required.

5.4 **Responsibilities of the Director for Corporate Services**

- To establish an appropriate framework of budgetary management and control that ensures that:

  (a) budget management is exercised within annual cash limits unless the Council agrees otherwise;
  (b) each director and budget holder has available timely information on receipts and payments and commitments on each budget which is sufficiently detailed to enable managers to fulfil their budgetary responsibilities;
  (c) expenditure is committed only against an approved budget head;
  (d) all Officers responsible for committing expenditure comply with relevant guidance, and financial procedure rules;
  (e) each service/cost centre has a named budget and deputy budget holder, determined by the relevant Director. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making processes that commits expenditure;
  (f) significant variances from approved budgets are investigated and reported as deemed appropriate by budget holders regularly.

- To administer the Council's schemes for approving virements, supplementary estimates and identifying surplus monies.
- To prepare and submit reports to the Cabinet on the Council's projected income and expenditure compared with the budget on a regular basis.

5.5 **Responsibilities of Directors**

- To maintain budgetary control within their service areas ensuring that spending remains within a service's overall cash limit, and that individual budget heads are not overspent by monitoring the budget and taking appropriate corrective action where significant variations from the approved budget are forecast.
- To report progress on the implementation of service budgets to the Chief Finance Officer in such a manner and to such timescales specified for the purpose of financial monitoring.
- To liaise with other services where it appears that a budget proposal, including a virement or supplementary estimate proposal, may impact materially on another service area.
- to appoint and notify the Chief Finance Officer of nominated budget and deputy holders for each service who should be responsible only for income and expenditure that they can influence. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making that commits expenditure.
- To ensure budget managers accept accountability for their budgets and the level of service to be delivered and understand their financial responsibilities.
- To ensure budget managers follow an approved certification process for all expenditure and that all income and expenditure is properly recorded and accounted for.
- Where it cannot be accommodated within the regular budget monitoring reports

or in exceptional circumstances submit a report to the Cabinet in consultation with finance where a service is unable to balance expenditure and resources within existing approved budgets under his or her control.

- To ensure that a monitoring process is in place to review performance levels/level of service in conjunction with the budget.
- To ensure prior approval by the Council or Cabinet (as appropriate) for new proposals where this cannot be met from within delegated powers and are outside the policy framework.
- To ensure compliance with the schemes for approving virements, supplementary estimates or identifying surplus monies.
- To ensure expenditure is incurred in line with financial and contract procedure rules.

6.0 **Scheme of Virement – Revenue Budgets**

6.1 The scheme of virement is intended to enable Directors and budget holders to manage budgets with a degree of flexibility within the overall policy framework determined by the Council, and therefore to optimise the use of resources. It is administered by the Chief Finance Officer within guidelines set out within these financial procedure rules.

6.2 The overall budget is set by the Council. Budget holders are therefore authorised to incur expenditure in accordance with the estimates that make up the budget. The procedures for virements is the mechanism for moving resources between approved estimates or heads of expenditure. For the purposes of this scheme, a budget head is considered to be a line in the approved estimates, or, as a minimum, at an equivalent level to the standard service subdivision as defined by CIPFA's Service Expenditure Analysis, i.e. employees, premises etc.

6.3 A virement does not create additional overall budget liability and therefore should not lead to an overspend. A virement should not be used where one off savings are used to fund recurring expenditure thereby creating future commitments, including full-year effects of decisions made part way through a year, for which future resources have not been identified.

6.4 Where an approved budget is a lump-sum budget or contingency intended for allocation during the year, its allocation will not be treated as a virement, provided that:

(a) the amount is used in accordance with the purposes for which it has been established;
(b) The Cabinet/Council has approved the basis and the terms, including financial limits, on which it will be allocated. Individual allocations in excess of the financial limits should be reported to the Cabinet/Council.

6.5 The movement of budgets between services as a result of changes in management responsibility or changes in accounting policy or other changes that do not affect the amount available for service provision are not classed as virements and can be approved by the Chief Finance Officer.

6.6 A Virement that is likely to impact on the level of service activity of another service area should be implemented only after agreement with the relevant service.

6.7 No virement relating to a specific financial year should be made after 31 March in that year.

6.8 In all cases the overall budget positon of the council will be considered and virements should not be request by Directors or the Chief Finance Officer if underspends in some services are required to meet overspends in other areas. In all cases the competing demands and priorities as identified in the Corporate strategy will be paramount.

6.9 Directors may request to vire sums within service budgets without limit provided such virement does not give rise to a change of council policy or amend the permanent establishment. All such approval should be approved by the Chief Finance Officer in the format requested.

6.10 Directors may request to vire sums between any two service budgets within their directorate or between directorates without limit , provided such virement does not give rise to a change of council policy or amend the permenant establishment. There is an obligation to consider the corporate strategic needs prior to undertaking any virement. All such approvals should be approved by the Chief Finance Officer in the format requested. Where the amount is over £50k there must be compliance with the access to information procedure rules.

6.11 **Responsibilities of the Director for Corporate Services**

- To set out the procedure for the approval of virements.
- To keep a record of all virements and ensure the finance system is updated in respect of approvals given.

6.12 **Responsibilities of Directors**

- To ensure compliance in their service areas with the procedures put in place by the Chief Finance Officer for the scheme of virements.
- To consider in consultation with the Portfolio Holder and Monitoring Officer, if necessary, if a proposed virement would give rise to a change of council policy and whether therefore Cabinet or Council approval is required

7.0 **Identification of Surplus Monies**

7.1 In order to maintain budget flexibility it is important to ensure surplus monies are identified at the earliest point possible during the financial year to enable budgets to be adjusted and any resulting savings to be diverted to those service areas which have been identified as high priority for additional funding or used to help contribute to future needs or deficit identified in the medium term financial strategy.

7.2 **Responsibilities of Director for Corporate Services**

- To ensure appropriate accounting procedures are in place to identify underspends against approved budgets.
- To set out the process to be followed to adjust budgets accordingly in consultation with budget holders.
- To be accountable for the balance of surplus monies held unallocated and their redistribution to support in year budget pressures.

7.3 **Responsibilities of Directors**

- To provide to the Chief Finance Officer Justifications for any underspends against approved budgets when requested.
- In calculating the underspend the standard service sub-division as defined by CIPFA's Service Expenditure Analysis, i.e. employees, premises, etc. or its equivalent will be used.
- to ensure that within their service areas any budget holders notify the Chief Finance Officer as soon as they become aware of any surplus budgets within their services and surrender these accordingly in support of the corporate strategy and priorities.

8.0 **Supplementary Estimates – Revenue Budgets**

8.1 The Budget is set on an annual basis and events do occur that require additional spending within the year. This is particularly the case where there is a statutory requirement which cannot be avoided.

8.2 Any un ring fenced grants will be allocated as agreed with the Senior Leadership Team.

8.3 Where the Council receives ring fenced grant income either through a bidding process or new burdens funding other than that identified in the approved budget, an additional budget will be created and Directors will be allowed to incur expenditure in line with the conditions of the grant. Cabinet or Council approval is not required as the Council has no discretion over how the funds are used.

8.4 **Responsibilities of the Director for Corporate Services**

- To provide budget holders with information on spending and commitments against approved budgets.
- To administer the scheme for approving supplementary estimates from surplus monies as set out within these Financial Procedure Rules.
- To support Directors with any reports to the Cabinet/Council where a request for a supplementary estimate is outside of the delegation to the Chief Finance Officer or the Chief Finance Officer chooses not to exercise his or her delegation.

8.5 **Responsibilities of Directors**

- To keep under constant review spending and commitments against approved budgets within their service areas.
- To be aware of the factors, which influence their budgets, to keep these factors under review and to adjust forecasts throughout the year to reflect their current view of what has happened and what is forecast to happen during the remainder of the year.
- Where these forecasts result in an overspend of the total, take action to eliminate this overspend. This could be through the following mechanisms:

  (a) Curtail/reduce expenditure within the service concerned;
  (b) Reduce expenditure elsewhere within the service or other budgets they control;

(c) Vire monies from other budget heads where there is a surplus or expenditure can be curtailed;
(d) Look for opportunities to obtain a virement from elsewhere within the Council.

- To submit such requests in the form and the manner prescribed by the Chief Finance Officer.
- Not to incur expenditure which cannot be met from the approved budget or any supplementary estimates that has been approved for the specific purpose.

9.0 **CAPITAL PROGRAMMES**

9.1 Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the Council, such as land, buildings, and major items of plant, equipment or vehicles. The Council operates a de minimis level of £10k below which expenditure will be treated as revenue unless it is being met from a capital grant. Capital assets shape the way services are delivered in the long-term and create financial commitments for the future in the form of financing costs and revenue running costs.

9.2 The Government places controls on the financing capacity of the authority. This means that capital expenditure should form part of the medium-term financial planning strategy and should be carefully prioritised in order to maximise the benefit of scarce resources. Capital need should be planned and be reflected in the council's Asset Management Plan and Capital Strategy.

9.3 The Cabinet shall submit to the Council a programme of capital expenditure for such future periods and in such form and by such dates as the Council requires. The Council will approve expenditure as set out in the capital programme with the exception of where an item can be fully funded from an external funding source or from within the Council's renewals and repair funds, where the expenditure is in accordance with this, in which case executive approval is required.

9.4 Capital expenditure will follow the Project Management Appraisal Process.

9.5 Progress will be monitored in terms of scheme progress and expenditure in comparison with the budget in line with the reporting timetable set out by the Chief Finance Officer.

9.6 Directors shall be able to adjust the timing of delivery of capital projects between financial years in consultation with the portfolio holder and Chief Finance Officer.

9.7 No expenditure may be incurred on a scheme funded by grant or third party contributions without written confirmation of these resources.

9.8 There may be exceptional circumstances whereby it is financially beneficial to the Medium Term Financial Plan and thereby the Revenue Account to change how projects are funded (e.g. to avoid borrowing costs) if the financial context has altered when preparing the outturn. The Chief Finance Officer in preparing the outturn will seek approval of any changes from Council if changes involve using new funds are not listed in the original programme.

9.9 Some capital assets such as vehicles and equipment can be leased. All Officers

must consult the Chief finance Officer before entering into any leasing arrangements.

9.10 **Responsibilities of the Director for Corporate Services**

- To prepare capital estimates jointly with Directors and to report them to the Cabinet who will make recommendations on the capital estimates and on any associated financing requirements to the Council.
- To prepare and submit reports to the Cabinet on the projected income, expenditure and resources compared with the approved estimates.
- To issue guidance concerning capital schemes and controls, for example, on project appraisal techniques or the operation of the Project Management Appraisal System. The definition of 'capital' will be determined by the Chief Finance Officer having regard to Government regulations and accounting requirements.
- To keep under review the funding sources utilised to fund the capital programme in order to maximise limited capital resources.
- To undertaken financial appraisals on any lease proposals made by services and once a lease is approved enter all the information required onto the lease register.

9.11 **Responsibilities of Directors**

- To comply with guidance concerning capital schemes and controls issued by the Chief Finance Officer.
- To follow the procedure set out in the latest Project Management Appraisal System as regards the inclusion of new schemes in the Programme, in seeking funding for its programme of capital works and in reporting variations and seeking approval to changes in the work of individual services.
- To ensure that adequate records are maintained for all capital contracts.
- To proceed with projects only when there is adequate provision in the capital programme.
- To ensure there are proper arrangements within their service areas for monitoring physical and financial progress of capital schemes.
- To consult with the Portfolio Holder and Chief Finance Officer when the timing of capital expenditure is re-profiled between financial years before proceeding.
- To prepare and submit reports, jointly with the Chief Finance Officer to the Cabinet/Council of any variation in individual scheme costs greater than the approved limits.
- To ensure that credit arrangements, such as leasing arrangements, are not entered into without the prior approval of the Chief Finance Officer and, if applicable, approval of the scheme through the capital programme. In such cases Officers must collate and provide any information required by Finance in order for a financial appraisal to be undertaken into proposed arrangements. Any lease agreement must be reviewed by Legal services before being signed.

10.0 **Treatment of Year End Balances**

10.1 Appropriate procedures need to be in place to provide for the carrying forward of under and overspendings on budget headings at the year end. Net underspends on service estimates under the control of a budget holder may be carried forward, subject to the appropriate approval following a report setting out the source of the

underspending or additional income and the proposed application of those resources. The approval must be given no later than 30 April in any year. Generally requests should only be made for specific items of underspend and be for a clearly defined purpose. In some cases overspends within a budget holders control may be considered for carry forward and will form the first call on resources in the next financial year.

10.2 **Responsibilities of the Director for Corporate Services**

- To determine the process to be followed with regard to requests for carry forward of unspent budgets at the year end and coordinate the submission of requests to the Cabinet for approval.
- To ensure appropriate accounting procedures are in operation to ensure that carried-forward amounts can be identified and totals are correct.

10.3 **Responsibilities of Directors**

- To comply with the process and timescale determined by the Chief Finance Officer for the treatment of year end balances.

11.0 **Maintenance of Reserves**

11.1 The Council must decide the level of general reserves it wishes to maintain before it can decide the level of Council Tax. Reserves are maintained as a matter of prudence. They enable the Council to provide for unexpected events and thereby protect it from overspending, should such events occur. Reserves for specific purposes may also be maintained, such as the purchase or renewal of capital items.

11.2 Reserves must be maintained in accordance with the *Code of Practice on Local Authority Accounting in the United Kingdom* (CIPFA/LASAAC) and agreed accounting policies. For each reserve established, the purpose, usage and basis of transactions should be clearly identified along with the authorisation process for the use of each reserve.

11.3 Cabinet is authorised to approve transfers from earmarked reserves without limit provided the basis of the use of the reserve is consistent with its original purpose.

11.4 **Responsibilities of the Director for Corporate Services**

- To advise the Cabinet and/or the Council on prudent levels of reserves for the Council, and to take account of agreed accounting policies and the advice of the external auditor in this matter.
- To maintain a record of reserves in accordance with required codes of practice.

11.5 **Responsibilities of Directors**

- To ensure that resources are used only for the purpose for which they were intended.

12.0 **Accounting Policies**

12.1 The Chief Finance Officer is responsible for the preparation of the Council's

statement of accounts, in accordance with proper practices as set out in the format required by the Code of Practice on Local Authority Accounting in the United Kingdom (CIPFA/LASAAC), for each financial year ending 31 March. A system of internal control should be in place to ensure that financial transactions are lawful.

12.2 **Responsibilities of the Director for Corporate Services**

- To select suitable accounting policies and to ensure that they are applied consistently.
- To ensure financial statements are prepared which present fairly the financial position of the Council and its expenditure and income.

12.3 **Responsibilities of Directors**

- To adhere to the accounting policies and guidelines approved by the Chief Finance Officer.

13.0 **Accounting Records and Returns**

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

13.2 **Responsibilities of the Director for Corporate Services**

- To determine the accounting procedures and records for the Council. Where these are maintained outside the Finance team, the Chief Finance Officer should consult the Director concerned.
- To arrange for the compilation of all accounts and accounting records under his or her direction.
- When allocating accounting duties, separating the responsibilities of providing information about sums due to or from the Council and calculating, checking and recording these sums from the responsibility for collecting or disbursing them.
- Ensuring employees with the duty of examining or checking the accounts of cash transactions are not themselves engaged in these transactions.
- To ensure that all claims for corporate funds including grants are made by the due date.
- To ensure the proper retention of financial documents in accordance with best practice and any statutory requirements.
- Ensure all finance staff operate within the required accounting standards and timetables.
- Ensuring all the financial transactions, material commitments and contracts and other essential accounting information are recorded completely, accurately and on a timely basis.
- To ensure that a complete audit trail, allowing financial transactions to be traced from the accounting records to the original document, and vice versa, is maintained.
- To incorporate appropriate controls to ensure that, where relevant all input is

genuine, complete, accurate, timely and not previously processed, all processing is carried out in an accurate, complete and timely manner and output from the system is complete, accurate and timely.

- Ensuring reconciliation procedures are carried out to ensure transactions are correctly recorded.
- Ensuring prime documents are retained in accordance with legislative and other requirements.
- To ensure that accounting records are properly maintained and held securely.
- Ensuring procedures are in place to enable accounting records to be reconstituted in the event of systems failure.

13.3 **Responsibilities of Directors**

- To consult and obtain the approval of the Chief Finance Officer before making any changes to accounting records and procedures.
- To ensure all Officers within their service area operate within the required accounting standards and timetables.
- When allocating accounting duties, separating the responsibilities of providing information about sums due to or from the Council and calculating, checking and recording these sums from the responsibility for collecting or disbursing them.
- To ensure employees with the duty of examining or checking the accounts of cash transactions are not themselves engaged in these transactions.
- To maintain adequate records to provide an audit trail leading from the source of income/expenditure through to the accounting statements.
- To ensure prime documents are retained in accordance with legislative and other requirements and that vouchers and documents with financial implications are not destroyed, except in accordance with arrangements approved by the Chief Finance Officer.
- To ensure all the Council's transactions, material commitments and contracts and other essential accounting information are recorded completely, accurately and on a timely basis.
- To ensure reconciliations within their directorate are carried out to ensure transaction are correctly recorded.

14.0 **The Annual Statement of Accounts**

14.1 The Council has a statutory responsibility to prepare its own accounts to present fairly its operations during the year. To this end the Council is required to make arrangements for the proper administration of its financial affairs and to secure that one of its Officers has the responsibility for the administration of these affairs. In this Council, that Officer is the Director for Corporate Services.

14.2 The Council's statement of accounts must be prepared in accordance with proper practices as set out in the Code of Practice on Local Authority Accounting in the United Kingdom (the Code) (CIPFA/LASAAC) and in line with the statutory timetable and make these available to the public.

14.3 **Responsibilities of the Director for Corporate Services**

- To select suitable accounting policies and to apply them consistently.
- To make judgements and estimates that are reasonable and prudent.

- To comply with the all relevant codes financial standards.
- To prepare and publish the audited accounts of the Council for each financial year, in accordance with the statutory timetable.
- To sign and date the statement of accounts, stating that it presents fairly the financial position of the Council at the accounting date and its income and expenditure for the year ended 31 March.
- To draw up the timetable for final accounts preparation and to advise staff and external audit accordingly.
- To make proper arrangements for the audit of the Council's accounts in accordance with the Accounts and Audit Regulations 2015.

14.4 **Responsibilities of Directors**

- To comply with accounting guidance provided by the Chief Finance Officer.
- To supply information required to enable the statement of accounts to be completed in accordance with guidelines issued by the Chief Finance Officer.

15.0 **Financial Systems and Procedures**

15.1 Departments have many systems and procedures relating to the control of the Council's assets, including purchasing, costing and management systems. Departments are reliant on digital technology for their financial management information. The information must therefore be accurate and the systems and procedures sound and well administered. They should contain controls to ensure that transactions are properly processed and errors detected promptly. On an annual basis as part of the Annual Governance Statement completion Directors will be asked to confirm the effective operation of finance systems in their service areas.

15.2 The Chief Finance Officer has a professional responsibility to ensure that the Council's financial systems are sound and should therefore be notified of any new developments or changes.

15.3 Systems should as a minimum ensure basic data exists to enable the Council's objectives, targets, budgets and plans to be formulated and performance to be communicated to the appropriate managers on an accurate, complete and timely basis. Exception reporting should be in place to ensure an early warning is provided of deviations from target, plans and budgets that require management attention.

15.4 Systems and procedures need to be secure to protect the council's data.

15.5 **Responsibilities of the Director for Corporate Services**

- To determine the accounting systems, form of accounts and supporting financial records.
- To provide a corporate systems for the preparation of the accounts and monitoring income and expenditure.
- To approve any new financial systems to be introduced.
- To approve any changes to be made to existing financial systems.
- To ensure there is a documented and tested disaster recovery plan in place for centralised financial systems to allow information system processing to resume quickly in the event of an interruption.

- To ensure that systems are documented and staff trained in operations.
- To maintain lists of authorised Officers, with specimen signatures and delegated limits as provided by Directors.

15.6 **Responsibilities of Directors**

- To utilise the corporate financial system to accurately record the financial transactions of their services and comply with any guidance issued by the Chief Finance Officer.
- To maintain any subsidiary information and records as necessary to effectively monitor expenditure, income and expenditure and support and returns and accounts.
- Prior to their introduction agree with the Chief Finance Officer any new financial systems or amendments to existing financial systems.
- To ensure there is a documented and tested disaster recovery plan in place for financial systems within their services to allow information system processing to resume quickly in the event of an interruption.
- To ensure that systems are documented and staff trained in operations.
- To identify Officers authorised to act upon the Directors behalf in respect of payments, income collection and placing orders, including variations and showing the limits of their authority.
- To supply lists of authorised Officers, with specimen signatures and delegated limits, to the Chief Finance Officer together with any subsequent variations.
- To ensure compliance with data protection and other information legislation and that staff are aware of their responsibilities under the legislation.

16.0 **Income Identification and Collection**

16.1 Income can be a vulnerable asset and effective income collection systems are necessary to ensure that all income due is identified, collected, receipted and banked properly. It is preferable to obtain income in advance of supplying goods or services as this improves the Council's cash flow and also avoids the time and cost of administering debts.

16.2 Scales of charges for services, except where fixed by statute, must be reviewed annually, or more frequently if required, by the relevant Director and agreed with the Chief Finance Officer before being approved under delegated authority or submitted to Cabinet for approval. Directors must ensure that reviews of fees charges is undertaken in conjunction with any legislation and that the basis of any charge, e.g. cost recovery, is set out in any report/record of delegation. Consideration should be given to the Council's commercial strategy and the establishment of fees and charges in the context of prevailing market conditions.

16.3 An Officer may, on no account, borrow any money temporarily for their own use, nor should they, except in the case of expenses they incur whilst travelling on Council business, make payments on behalf of the Council from their own pocket.

16.4 An Officer is responsible for the safe custody of any money she or he has received until it has been balanced and banked or handed over to another Officer for banking. If the money is handed over to another Officer, a receipt should be obtained from the Officer receiving it. If the money is in a sealed container, the

Officer should obtain a receipt for the container.

16.5 Whilst money is in their custody, Officers should, at no time, leave it unattended unless it is locked in a safe place, to which the Officer alone has access, and which fulfils insurance requirements.

16.6 Cash received by Officers on behalf of the Council shall not be used to cash postal orders, personal or other cheques.

16.7 Debts may be written off as follows:

(a) By the Revenues and Benefits Manager for debts up to £100;
(b) By the Chief Finance Officer in consultation with the Director for People and Communities for debts up to £2,500 in consultation with the Portfolio holder;
(c) Debts above £2,500 will be required to be submitted to Cabinet for approval.

When considering the value of debts, where there are multiple debts for any one debtor, these shall be considered in aggregate in order to determine the value. Debts shall not be written off at different times in order to circumvent approval limits.

16.8 **Responsibilities of the Director for Corporate Services**

- To agree arrangements for the collection of all income due to the Council and to approve the procedures, systems and documentation for its collection.
- To agree the system for the supply to services of all receipt forms, books or tickets and similar items and to satisfy himself or herself regarding the arrangements for their control.
- To approve a corporate invoicing system to be used by all services.
- To ensure all appropriate income documents are retained and stored for the defined period in accordance with the document retention schedule.
- To ensure money collected and deposited is reconciled to the bank account by a person who is not involved in the collection or banking process.
- To maintain records/identification procedures if there is a suspicion of money laundering or a payment of more than 15,000 Euros in one or more linked transactions.
- To refer without delay to Legal Services all debts which a Director has been unable to recover at reasonable effort and expense and for which normal recovery processes have been exhausted.
- To write-off bad debts up to an approved limit in each case and to adhere to the requirements of the Accounts and Audit Regulations 2003.
- To refer the matter to Internal audit in the event that there is reason to believe that the cause of any debt being irrecoverable is attributable to fraud, theft, irregularity or the negligence of an employee. The debt shall not be written off until any necessary investigative or other action has been agreed by the Director and the Head of Internal audit.
- To ensure that appropriate accounting adjustments are made following write-off action.
- To approve all systems for the processing of payments by debit, credit and top up payment cards.
- To authorise the setting up and controls to operate with regard to a PayPal account for the collection of income from specific website transactions within

services.

- To regularly review, update and communicate the corporate charging policy.
- To set out and communicate the process for the annual/ad hoc review of fees and charges.

16.9 **Responsibilities of Directors**

- To establish a charging policy for the supply of goods or services, including the appropriate charging of VAT, and to review it regularly, in line with corporate policies.
- To ensure all income due to the Council is identified and charged correctly, in accordance with an approved charging policy, which is regularly reviewed.
- To ensure all income is collected from the correct person, at the right time, using the correct procedures and the appropriate stationery and any VAT correctly accounted for.
- To use the approved corporate invoicing system for all credit income except in accordance with other arrangements specifically approved by the Chief Finance Officer. In giving such approval, the Chief Finance Officer shall ensure that the alternative arrangements provide for effective financial control and meet with the requirements of the appropriate taxation authorities.
- To ensure all money received by an Officer on behalf of the Council is paid without delay to the Chief Finance Officer or, as he or she directs, to the Council's nominated account properly recorded.
- To separate the responsibility for identifying amounts due, the responsibility for collection and reconciling the amount due to the amount received as far as is practicable.
- To collect amounts due in advance of providing services wherever possible. Where this is not possible to ensure credit checks are run for all commercial debtors in excess of £10,000. Debtor invoices will not be raised for amounts below £10, unless there is a legal requirement to recover e.g. ground rents, as below this amount it is not cost- effective to collect.
- To issue official receipts or to maintain other documentation for income collection.
- To ensure that at least two employees are present when post is opened so that money received by post is properly identified and recorded.
- To hold securely receipts, tickets and other records of income for the appropriate period.
- To lock away all income to safeguard against loss or theft, and to ensure the security of cash handling.
- To ensure that income is paid fully and promptly into the appropriate Council bank account in the form in which it is received. Appropriate details should be recorded on to paying-in slips to provide an audit trail. Money collected and deposited must be reconciled to the bank account on a regular basis.
- To ensure income is not used to cash personal cheques or other payments, conversely to ensure Officers do not use personal payment arrangements to make payments on behalf of customers in return for reimbursement.
- To supply the Chief Finance Officer with details relating to work done, goods supplied, services rendered or other amounts due, to enable to ensure accounts are sent out promptly where these are invoiced centrally. Directors have a responsibility to assist in collecting debts that they have originated, by providing any further information requested by the debtor, and in pursuing the matter on the Council's behalf.

- To ensure effective action is taken to pursue non-payment within defined timescales.
- To write-off debts in line with limits set out under delegated authority and in a timely manner. Once raised, no bona fide debt may be cancelled, except by full payment or by its formal writing-off. A credit note to replace a debt can only be issued to correct a factual inaccuracy or administrative error in the calculation and/or billing of the original debt.
- To request the Chief Finance Officer to set up a PayPal account for their service if required and to nominate a PayPal administrator who will be responsible for the operation of the account in line with the required procedures.
- To ensure all appropriate income documents are retained and stored for the defined period in accordance with the document retention schedule.
- to maintain records/identification procedures if there is a suspicion of money laundering or a payment of more than 15,000 Euros in one or more linked transactions.

17.0 **Ordering and Paying for Work, Goods and Services**

17.1 Public money should be spent with demonstrable probity and in accordance with the Council's policies. The Council's procedures should help to ensure that services obtain value for money from their purchasing arrangements. These procedures should be read in conjunction with the Council's Contract Procedure Rules.

17.2 Every Officer and Member of the Council has a responsibility to declare any links or personal interests that they may have with purchasers, suppliers and/or contractors if they are engaged in contractual or purchasing decisions on behalf of the Council, in accordance with appropriate codes of conduct.

17.3 Official orders must be in a form approved by the Chief Finance Officer. Official orders must be issued for all work, goods or services to be supplied to the authority, except for supplies of utilities, periodic payments such as rent or rates where a payment register or other methods of recording/monitoring payments is more appropriate than an order, petty cash purchases or use of imprest accounts or other exceptions specified by the Chief Finance Officer for which an exemption list is maintained

17.4 Purchase orders shall only be raised and approved by authorised Officers. Budget provision must exist for all Purchase orders.

Purchase orders should only be raised and approved if the Contract Procedure Rules have been complied with.

Insert CPR hyperlink

If the Contract Procedure Rules have been complied the following authorisation levels are as follows:

Authorised Officer	**Amount**
Budget Holders	up to £10,000
Directors	up to £500,000
Corporate Services Manager	up to £1,000,000

Director for Corporate Services	up to £1,000,000
Deputy Chief Executive	up to £1,000,000
Chief Executive	up to £3,000,000

17.5 Orders shall be raised with approved suppliers only. Officers shall notify Finance of new suppliers using a form specified by the Chief Finance Officer. Finance will maintain supplier accounts including processing changes of supplier details on receipt of authorised information received from suppliers. Finance will undertake checks on supplier information as specified by the Chief Finance Officer.

17.6 Apart from petty cash the normal method of payment from the Council shall be BACS, or cheque if that is not possible, or other instrument or approved method, drawn on the Council's bank account by the Chief Finance Officer. The use of direct debit shall require the prior agreement of the Chief Finance Officer.

17.7 Official orders must not be raised for any personal or private purchases, nor must personal or private use be made of Council contracts.

17.8 **Responsibilities of the Director for Corporate Services**

- To approve the form of official orders and associated terms and conditions in consultation with the Director for Law and Governance.
- To set up suppliers and undertake any and all checks as appropriate to ensure payments are only made to approved suppliers.
- To make payments from the Council's funds on the Directors' authorisation, or on the authorisation of a person appointed by the Director to act on his/her behalf, that the expenditure has been duly incurred in accordance with financial procedure rules.
- To make payments, whether or not provision exists within the estimates, where the payment is specifically required by statute or is made under a Court order.
- To make payments to contractors on the certificate of the appropriate Directorr, which must include details of the value of work, retention money, amounts previously certified and amounts now certified in a form which satisfies VAT regulations.
- To maintain an exemption list setting out those supplies where an official order is not required to be used.
- To provide advice and encouragement on making payments by the most economical means.
- To ensure that a budgetary control system is established that enables commitments incurred by placing orders to be shown against the appropriate budget allocation so that they can be taken into account in budget monitoring reports.
- To ensure all tax including VAT and construction industry is correctly accounted for.

17.9 **Responsibilities of Directors**

- To ensure that official orders are used for all goods and services, other than the

exceptions approved by the Chief Finance Officer.

- To ensure that orders are only used for goods and services for the provision of Council's services. Individuals must not use official orders to obtain goods or services for their private use.
- To ensure that only those staff authorised to do so sign orders, contracts and invoices or any other payment commitment and authorisation in line with that notified to the Chief Finance Officer. Arrangements for approved Officers should be consistent with the budgetary control framework for their area in order to ensure that budget Holders ability to manage their budgets is safeguarded.
- To provide details to finance of all new suppliers in the format prescribed in order for the appropriate checks to be undertaken by finance.
- To ensure that those authorising payments do so only when satisfied that the goods and services ordered are appropriate and needed, that there is adequate budgetary provision and that quotations or tenders have been obtained or tenders have been obtained if necessary. Value for money should always be achieved.
- To ensure that where urgent orders are given orally that these are confirmed immediately by an official order.
- To ensure that goods and services are checked on receipt to verify that they are in accordance with the order. This check should, where possible, be carried out by a different Officer from the person who authorised the order. Appropriate entries should then be made in inventories, periodical payment record or stores records.
- To ensure payment is only be made on receipt of bona fide invoices, a goods received note duly certified, for payment in appropriate cases prepared and certified by Directors or such other Officers as delegated by them in a form which satisfies VAT regulations. The certification of an amount on an invoice by or on behalf of the Director of a service shall mean:

  (a) that the materials have been supplied, the work performed or the services rendered and that they are satisfactory as to quality and correct as to quantity;
  (b) that the price is in accordance with the quotation, contract, agreement or current market value, whichever is applicable;
  (c) that the account is allocated to the correct expenditure heading and is within the amount provided for that purpose;
  (d) that the expenditure has been properly incurred and that where necessary Member approval has been obtained;
  (e) that the price, extensions, calculations, trade discounts, other allowances, credits and tax are correct;
  (f) that the account has not been previously passed for payment and is a proper liability of the Council.

- To ensure that all payments related to contracts are recorded as appropriate in the Contracts Register in line with procedures issued by the Monitoring Officer.
- To ensure that expenditure has been properly incurred and that where necessary formal approval has been obtained.
- To ensure that the service area maintains and reviews periodically a list of staff approved to authorise invoices. Names of authorising Officers together with specimen signatures and details of the limits of their authority shall be forwarded to the Chief Finance Officer.
- To ensure that payments are not made on a photocopied statement or other

document other than the formal invoice. Any instances of these being rendered will be subject to scrutiny.

- To encourage suppliers of goods and services to receive payment by the most economical means for the Council. It is essential, however, that payments made by direct debit have the prior approval of the Chief Finance Officer.
- To ensure that services obtain value for money from purchases by taking appropriate steps to obtain competitive prices for goods and services of the appropriate quality, which are in line with the Contract Procedure Rules as applicable.
- To ensure that loans, leasing or rental arrangements are not entered into without prior agreement from the Chief Finance Officer. This is to protect the Council against entering into unapproved credit arrangements and to ensure that value for money is being obtained.
- To notify the Chief Finance Officer immediately of any expenditure to be incurred as a result of statute/court order where there is no budgetary provision.
- To ensure that all appropriate payment records are retained and stored for the defined period, in accordance with good practice and any statutory requirements.
- To ensure all appropriate evidence of the transaction and payment documents are retained and stored for the defined period, in accordance with the good practice and any statutory requirements.

18.0 **Use of Credit and Procurement Cards**

18.1 The following will apply to all cards issued:

(a) The account will be in the name of Melton Borough Council with the authorised Member of staff as the named user.
(b) All authorised staff must complete and sign a card agreement to confirm that they accept the terms and conditions of the use, prior to using the card.
(c) All cards must have an agreed spending limit and a set expiry date
(d) Records and receipts must be retained to support all transactions.
(e) Statements must be requested on a monthy basis, reconciled to a record of purchases made and submitted to Financial Services within 14 days of receipt.

18.2 **Responsibility of the Director for Corporate Services**

- To act as the Credit/Procurement Card Controller.
- To liaise with the relevant Officer to determine an upper spending limit for the card.
- To maintain a log of the following details of all cards:

  (a) Card number
  (b) Authorised user
  (c) Valid/expiry dates of the card
  (d) Card limits
  (e) Copy of signed agreement.

- To forward monthly cardholder statements to cardholders, for assessment, coding and authorisation on receipt.
- To verify accuracy and completeness of reconciliation of monthly statements to receipts as submitted by the authorised Officer.

- To request investigation into any significant issues that has a financial implication for the Council.
- To establish a system for reviewing limits on cards, up or down or cancelling a card where the limit has been exceeded on more than one occasion. All changes to card limits etc. must be authorised.
- To request/implement a spending freeze on all lost or stolen cards.

18.3 **Responsibilities of Directors**

- To obtain approval for all staff in their service areas to use a credit or procurement card.
- To ensure authorised Officers within their service areas:

  (a) Maintain a record of all card purchases;
  (b) Obtain a VAT receipt to support all purchases;
  (c) On receipt of monthly statement verify and authorise all entries against invoices, receipts and supplier statements showing any VAT separately, complete a payment slip detailing the appropriate general ledger codes to be used for processing;
  (d) Reconcile the monthly statement to the purchase record;
  (e) Attach copies of the statement and reconciliation to the purchase record and forward for certification to the authorised Officer in the service area;
  (f) Ensure safe custody of the card at all times;
  (g) Ensure via close monitoring that spending does not exceed the card's agreed limit;
  (h) Sign a card agreement accepting to adhere to the Council's terms and conditions of use;
  (i) Notify the Chief Finance Officer in writing immediately the card is lost or stolen;
  (j) Forward all relevant paperwork to accompany Card statements should to Finance Services within 14 days of receipt, for posting to the Financial Management System.

19.0 **Payments to Employees and Members**

19.1 Staff costs are the largest item of expenditure for most Council services. It is therefore important that payments are accurate, timely, made only where they are due for services to the Council and that payments accord with individuals' conditions of employment. It is also important that all payments are accurately and completely recorded and accounted for and that Members' allowances are authorised in accordance with the scheme adopted by the Council.

19.2 It is important that there are proper authorisation procedures are in place and that there is adherence to corporate timetables in relation to starters, leavers and variations and enhancements and that payments are made in accordance with contracts of employment and where applicable on the basis of timesheets or claims.

19.3 Whilst it is the Council's responsibility to ensure that salaries are correctly paid and that any deductions are appropriate, staff Members have a responsibility to check that the salary they receive is correct and to report back any errors or queries. If it is identified that any under or over payments have been made, the Council will seek to make good any under payments or recover overpayments irrespective of

whether these have been authorised. In the event that overpayments have been made, staff Members may be subject to disciplinary action if it is identified that overpayments should have been.

19.4 **Responsibilities of the Director for Corporate Services**

- To arrange and control secure and reliable payment of salaries, wages, compensation or other emoluments to existing and former employees, in accordance with procedure prescribed by him or her, on the due date.
- To record and make arrangements for the accurate and timely payment of tax, superannuation and other deductions.
- To make arrangements for payment of all travel and subsistence claims. To approve the payment of urgent/emergency out of pocket expenses to staff where deemed appropriate. Where evidence is not provided by the service area within 1 week of the employee's return to work to consider if this should be recovered through the payroll system until such evidence is provided.
- To make arrangements for paying Members' travel and other allowances upon receiving the prescribed form duly completed and authorised.
- To ensure that there are adequate arrangements for administering superannuation matters on a day-to-day basis.
- To ensure frequent reconciliation of payroll expenditure against approved budget and bank account.
- To ensure all appropriate payroll documents are retained and stored for the defined period in accordance with good practice and any statutory requirements.
- To ensure that Inland Revenue regulations are complied with.

19.5 **Responsibilities of Directors**

- To ensure appointments are made in accordance with the regulations of the Council and approved establishments, grades and scale of pay and that adequate budget provision is available.
- To use the corporate payment system for all payments to employees.
- To ensure that adequate and effective systems and procedures are operated, so that:

  (a) payments are only authorised to bona fide employees;
  (b) payments are only made where there is a valid entitlement;
  (c) conditions and contracts of employment are correctly applied;
  (d) employees' names listed on the payroll are checked at regular intervals to verify accuracy and completeness.

- To make arrangements for data supplied to be verified and authorised by an authorised Officer. In particular the following shall be notified:

  (a) appointments, resignations, dismissals, suspensions, secondments and transfers;
  (b) changes to standing data held on the payroll system;
  (c) absences from duty for sickness or other reason, apart from approved leave;
  (d) changes in remuneration, other than normal increments, pay awards and any agreements generally reached, and notified separately to the Chief

Finance Officer; and

(e) information necessary to maintain records of service for superannuation, Income Tax, National Insurance and related purposes.

- To maintain and provide the Chief Finance Officer with an up-to-date list of the names of Officers (together with specimen signatures) authorised to sign timesheets and other personnel documents.
- To ensure that payroll transactions are processed only through the payroll system. Careful consideration should be given to the employment status of individuals employed on a self-employed consultant or subcontract basis. The Inland Revenue applies a tight definition for employee status, and in cases of doubt, advice should be sought from the Chief Finance Officer. Where payments are made for services in which the relevant taxation authorities deem that a contractor is "employed" by the Council, Directors are responsible for ensuring that National Insurance, Income Tax and any other such liabilities are properly determined and deductions due are made and properly accounted for.
- To certify travel and subsistence claims and other allowances that are submitted in a timely manner. Certification is taken to mean that journeys were authorised and expenses properly and necessarily incurred, and that allowances are properly payable by the Council, ensuring that cost-effective use of travel arrangements is achieved. Due consideration should be given to tax implications and that the Chief Finance Officer is consulted where appropriate.
- To ensure any urgent/emergency payments approved by the Chief Finance Officer are evidenced and certified within one week of an employees return to work.
- To ensure that the Chief Finance Officer is notified of the details of any employee benefits in kind, to enable full and complete reporting within the income tax self-assessment system.
- To ensure that all appropriate payroll documents are retained and stored for the defined period in accordance with the best practice and any statutory requirements.

20.0 **Taxation**

20.1 Like all organisations, the Council is responsible for ensuring its tax affairs are in order. Tax issues are often very complex and the penalties for incorrectly accounting for tax are severe. It is therefore very important for all Officers to be aware of their role.

20.2 **Responsibilities of the Director for Corporate Services**

- To complete all Inland Revenue returns including PAYE.
- To complete a monthly return of VAT inputs and outputs to HM Customs and Excise.
- To provide details to the Inland Revenue regarding the construction industry tax deduction scheme.
- To maintain up-to-date guidance for Council employees on taxation issues in the budget and VAT manuals.

20.3 **Responsibilities of Directors**

- To ensure that the correct VAT liability is attached to all income due and that all

VAT recoverable on purchases complies with HM Customs and Excise regulations.

- To ensure that, where construction and maintenance works are undertaken, the contractor fulfils the necessary construction industry tax deduction requirements.
- To ensure that all persons employed by the Council are added to the Council's payroll and tax deducted from any payments, except where the individuals are bona fide self-employed or are employed by a recognised employment agency.
- To ensure adequate records are maintained of all taxable transactions are identified, properly carried out and accounted for within stipulated timescales.
- To follow the guidance on taxation issued by the Chief Finance Officer.

21.0 **Risk Management and Insurance**

21.1 All organisations, whether private or public sector, face risks to people, property and continued operations. Risk is the chance or possibility of loss, damage, injury or failure to achieve objectives caused by an unwanted or uncertain action or event. Risk management is the planned and systematic approach to the identification, evaluation management and control of risk. Its objectives are to secure the assets of the organisation and to ensure the continued financial and organisational well-being of the organisation. In essence it is, therefore, an integral part of good business practice. Risk management is concerned with evaluating the measures an organisation already has in place to manage identified risks and then recommending the action the organisation needs to take to control these risks effectively.

21.2 Good procedures should be in place to identify, assess, prevent or contain material known risks, and these procedures need to operate effectively throughout the Council. When acceptable levels of risk are determined insurance should be considered where appropriate.

21.3 It is essential that the Council has identified business continuity plans for implementation in the event of disaster that results in significant loss or damage to its resources.

21.4 **Responsibilities of the Director for Corporate Services**

- To prepare and promote the Council's Risk Management Policy and ensure a monitoring process is in place to review regularly the risk identified and the effectiveness of risk reduction strategies and associated action plans.
- To effect appropriate insurance cover, through external insurance and internal funding, and to negotiate all claims in consultation with other Officers, where necessary.
- To ensure procedures are in place to investigate insurance claims within required timescales.

21.5 **Responsibilities of Directors**

- To take responsibility for risk management, in line with the Risk Management Policy, having regard to advice from the Chief Finance Officer and other specialist Officers (e.g. crime prevention, fire prevention, health and safety).
- To ensure that there are regular reviews of risk within their service areas

utilising the corporate template for risk registers and action plans.

- To notify the Chief Finance Officer promptly of all new risks, properties or vehicles that require insurance and of any alterations affecting existing insurances.
- To consult the Chief Finance Officer and the Director for Law and Governance on the terms of any indemnity that the Council is requested to give.
- To ensure that Officers, or anyone covered by the Council's insurances, do not admit liability or make any offer to pay compensation that may prejudice the assessment of liability in respect of any insurance claim.
- To notify the Chief finance Officer immediately of any loss, liability or damage that may lead to a claim against the Council, together with any information or explanation required by the Chief Finance Officer or the Council's insurers.
- To support the development and maintenance of business continuity plans for implementation in the event of disaster that results in significant loss or damage to its resources.

22.0 Audit Requirements

Internal Audit

22.1 The requirement for an internal audit function for local authorities is implied by section 151 of the Local Government Act 1972, which requires that authorities "make arrangements for the proper administration of their financial affairs". The Accounts and Audit Regulations (2015) requires every local authority to maintain an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes taking into account public sector internal auditing standards or guidance.

22.2 Accordingly, internal audit is an independent and objective appraisal function established by the Council for reviewing the system of internal control. It examines, evaluates and reports on the adequacy of internal control as a contribution to the proper, economic, efficient and effective use of resources and the management of risk. Internal Audit also advises on, carries out and directly supports investigations into suspicions of fraud or financial irregularity.

22.3 For the purposes of carrying out an audit or investigation, Internal Auditors and the Chief Finance Officer are authorised to:

(a) have access at all times to any Council premises and property;
(b) have access to all data, records, documents and correspondence relating to any financial or any other activity of the Council;
(c) have access to any assets of the council;
(d) Require from any Member, employee, agent, partner, contractor or other person engaged in Council business any necessary information and explanation;

These rights of access include access to relevant records (whether electronic or otherwise) held by service providers. They apply to Council services provided under contracts and partnership arrangements of all kinds including joint and pooled arrangements.

22.4 This right of access shall be incorporated within all relevant contract or service

agreement documents involving Council services provided other than internally. It applies to all internal auditors legitimately engaged on Council Internal Audit business, whether they are employees of Internal Audit or are provided under an authorised agency or other contract or partnership.

22.5 Internal Audit shall remain at all times free from undue influence or other pressure affecting its actions and reporting.

22.6 Internal Audit shall report in its own name to the Chief Finance Officer. The Council's Head of Audit Consortium shall have direct access and the right of report to the Chief Executive, Directors, the Monitoring Officer, the External Auditor, the Audit and standards committee the appropriate Scrutiny Panel and the Cabinet, where appropriate if, in his/her opinion, there are matters of concern that could place the Council in a position where the risks it faces are unacceptable.

22.7 Irrespective of its means of delivery, every process, service and activity falling within the Council's responsibility shall be subject to the Council's system of internal audit.

22.8 With regard to fraud and corruption the council operates a zero tolerance policy and will not tolerate fraud and corruption in the administration of its responsibilities, whether from inside or outside the Council. The Council's expectation of propriety and accountability is that Members and staff at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures and practices. The Council also expects that individuals and organisations (e.g. suppliers, contractors, service providers) with whom it comes into contact will act towards the Council with integrity and without thought or actions involving fraud and corruption.

22.9 **Responsibilities of the Director for Corporate**

- To assist the Council to put in place an appropriate control environment and effective internal controls which provide reasonable assurance of effective and efficient operations, financial stewardship, probity and compliance with laws and regulations.
- To ensure the provision of an effective and efficient internal audit function.
- To ensure internal audit I prepare and agree an Annual Audit Plan which will set out the intended work of Internal Audit over the coming year. The plan shall be based on an objective assessment of need arising from an analysis of risk and shall be approved and directed, by the Audit and Standards Committee.
- To ensure internal audit consult with Directors about which activities are to be included in the plan as being in need of audit.
- To ensure Internal Audit at all times conduct its work in accordance with relevant Internal Audit standards and any other protocols agreed with the Chief Finance Officer.
- To ensure internal audit provide regular reports to the Audit and standards Committee on progress made in delivering the Internal Audit Plan.
- To ensure the Council has an effective anti-fraud and corruption policy.
- To ensure that effective procedures are in place to investigate promptly any fraud or irregularity in compliance with the Council's Anti Fraud and Corruption Policy.

22.10 **Responsibilities of Directors**

- To manage processes to check that established controls are being adhered to and to evaluate their effectiveness, in order to be confident in the proper use of resources, achievement of objectives and management of risks.
- To review existing controls in the light of changes affecting the Council and to establish and implement new ones in line with guidance from the Chief Finance Officer. Directors should also be responsible for removing controls that are unnecessary or not cost or risk effective – for example, because of duplication.
- To ensure staff have a clear understanding of the consequences of lack of control.
- To maintain proper financial controls in financial systems operated within their area of responsibility be responsible for the prevention, detection and resolution of fraud and irregularities.
- To notify the Chief Finance Officer immediately of any suspected fraud, theft, irregularity, improper use or misappropriation of the Council's property or resources in line with the Council's Fraud and Corruption Policy.Pending investigation and reporting, the Director should take all necessary steps to prevent further loss and to secure records and documentation against removal or alteration.
- To instigate the Council's disciplinary procedures where the outcome of an audit investigation indicates improper behaviour.
- To prove the appropriate support and assistance to internal audit in the delivery of the audit plan.
- To liaise with the Chief Finance Officer where work is commissioned from internal audit outside of the approved annual plan.
- To ensure that new systems, are discussed with and agreed by Internal Audit prior to implementation.
- To ensure appropriate action is taken in accordance with agreed internal audit recommendations and be accountable to the Audit and Standards Committee for action taken.
- To ensure the auditors right of access is incorporated into all relevant contracts/agreements involving council services provided other than internally.

23.0 **External Audit**

23.1 Responsibility for preparing and issuing Codes of Audit Practice and guidance to auditors, and a power to carry out examinations into the economy, efficiency and effectiveness with which relevant authorities have used their resources, is held by the Comptroller and Auditor General. Data matching powers and the National Fraud Initiative are responsibilities held by the Cabinet Office. The counter-fraud function is held by a public sector 'Counter Fraud Centre' established by the Chartered Institute of Public Finance and Accountancy (CIPFA).

23.2 The Code of Audit Practice sets out what local auditors of relevant local public bodies are required to do to fulfill their statutory responsibilities under the Local Audit and Accountability Act 2014 The external auditor has rights of access to all documents and information necessary for audit purposes.

23.3 The Council's accounts are scrutinised by external auditors, who must be satisfied that the statement of accounts 'presents fairly' the financial position of the Council and its income and expenditure for the year in question and complies with the legal requirements.

23.4 **Responsibilities of the Director for Corporate Services**

- To ensure that External Auditors are given access at all reasonable times to premises, personnel, documents and assets that the External Auditors consider necessary for the purposes of their work.
- In conjunction with Internal Audit to ensure there is effective liaison between External and Internal Audit.
- To work with the External Auditor and advise the Council, Cabinet and Audit and Standards Committee, Directors on their responsibilities in relation to external audit.

23.5 **Responsibilities of Directors/Heads of Service**

- To ensure that external auditors are given access at all reasonable times to premises, personnel, documents and assets which the external auditors consider necessary for the purposes of their work.
- To ensure that all records and systems are up to date and available for inspection.

24.0 **Assets and Inventories**

24.1 The Council holds assets in the form of property, vehicles, equipment, furniture and other items worth many millions of pounds. It is important that assets are safeguarded and used efficiently in service delivery, and that there are arrangements for the security of both assets and information required for service operations. An up-to-date asset register is a prerequisite for proper fixed asset accounting and sound asset management.

24.2 Assets should only be used for the purposes of the Council and should be properly accounted for. When they become surplus they should be disposed of in accordance with the law and the regulations of the Council so as to maximise benefits.

24.3 An asset register should be maintained for the Council, with assets are recorded when they are acquired by the Council and this record is updated as changes occur with respect to the location and condition of the asset. Any individual items of plant, machinery, equipment and other assets that are capitalised will be included in the asset register.

24.4 The function of the asset register is to provide the Council with information about fixed assets so that they are safeguarded; used efficiently and effectively and adequately maintained.

24.5 Assets included in the inventory are generally those of a relatively low value, are moveable and have not been included in the Asset Register. Inventories are maintained in the prescribed format with acquisitions and disposals recorded at the time the event occurs.

24.6 All ICT equipment is considered to be the responsibility of the IT service.

24.7 **Responsibilities of the Director for Corporate Services**

- To ensure that an asset register is maintained in accordance with good practice

for all fixed assets.

- To receive the information required for accounting, costing and financial records from each Director.
- To ensure that assets are valued in accordance with the *Code of Practice on Local Authority Accounting in the United Kingdom* (CIPFA/LASAAC).
- To set out the format to be followed by Directors for the maintenance of inventories.
- To ensure items are included on the Council's insurance policies where appropriate.

24.8 **Responsibilities of Directors**

- To ensure a property database (asset register) is maintained in a form approved by the Chief Finance Officer for all properties, plant and machinery and moveable assets currently owned or used by the Council. Any use of property by a department or establishment other than for direct service delivery should be supported by documentation identifying terms, responsibilities and duration of use.
- To ensure that lessees and other prospective occupiers of Council land are not allowed to take possession or enter the land until a lease or agreement, in a form approved by the Director in consultation with the Director for Law and Governance has been established as appropriate.
- To ensure the proper security of all buildings and other assets under their control.
- Where land or buildings are surplus to requirements, a recommendation for sale should be the subject of a report by the Director to the Cabinet subject to appropriate statutory requirements after consultation with the Chief Finance Officer and the Director for Law and Governance.
- To pass Title Deeds to the Director for Law and Governance who is responsible for custody of all Title Deeds.
- To ensure that no Council asset is subject to personal use by an employee without proper authority.
- To ensure the safe custody of vehicles, equipment, furniture, stock, stores and other property belonging to the Council.
- To ensure cash holdings on premises are kept to a minimum.
- To ensure that keys to safes and similar receptacles are securely held by those responsible at all times; loss of any such keys must be reported to the Chief Finance Officer as soon as possible.
- To record all disposal or part exchange of assets that should normally be by competitive tender or public auction, unless, following consultation with the Chief Finance Officer, the Cabinet agrees otherwise.
- To arrange for the valuation of assets for accounting purposes to meet requirements specified by the Chief Finance Officer.
- To ensure that all employees are aware that they have a personal responsibility with regard to the protection and confidentiality of information, whether held in manual or computerised records. Information may be sensitive or privileged, or may possess some intrinsic value, and its disclosure or loss could result in a cost to the Council in some way.
- To ensure all Officers in their service area are aware of their responsibilities with regard to safeguarding the Council's assets and information, including the requirements of the Data Protection Act and software copyright legislation.
- To ensure all Officers in their service area are aware of their responsibilities with

regard to safeguarding the security of the Council's computer systems, including maintaining restricted access to the information held on them and compliance with the Council's computer and internet security policies.

- To maintain an inventory in the form prescribed by the Chief Finance Officer and record an adequate description of furniture, fittings, equipment, plant and machinery above £100 in value for any single item.
- To carry out an annual check of all items on the inventory in order to verify location, review condition and to take action in relation to surpluses or deficiencies, annotating the inventory accordingly. Attractive and portable items such as computers, cameras and video recorders should be identified with security markings as belonging to the Council.

25.0 **Stocks and Stores**

25.1 Stocks and stores which are held by the Council should only be used for the purpose of providing Council services, and they should be adequately safeguarded from theft or misappropriate and be maintained at reasonable levels.

25.2 **Responsibilities of Director for Corporate Services**

- To provide the format and method for maintaining records of stocks and stores.
- To maintain appropriate accounting records and to obtain at the year end a certificate from the responsible Officer of the value of stock held.

25.3 **Responsibilities of Directors**

- To account for the receipt, custody and issue of stock items for their services and for maintaining suitable records which comply with any guidance given by the Chief Finance Officer.
- To ensure that stock items are effectively safeguarded from loss, theft or damage and that adequate physical security is in place.
- To arrange for a periodic stock-take to be undertaken for any stock held in excess of £1,000 independently of the employees responsible for the custody of those stocks, such that the existence and value of all items are checked at least once a year. All discrepancies should be investigated and pursued to a satisfactory conclusion.
- To ensure the value of stocks held at 31st March each year to be certified by an authorised Officer and supplied to the Chief Finance Officer in such form and at such time as may be decided by the Chief Finance Officer.
- To investigate and remove from the Council's records (i.e. write-off) discrepancies and redundant stocks and equipment as necessary, or to obtain approval if they are in excess of £1,000.
- To authorise or write-off disposal of redundant stocks and equipment. Procedures for disposal of such stocks and equipment should be by competitive quotations or auction, unless, following consultation with the Chief Finance Officer, the Senior Leadership Team decides otherwise in a particular case.

26.0 **Intellectual Property**

26.1 Intellectual property is a generic term that includes inventions and writing. If these are created by the employee during the course of employment, then, as a general

rule, they belong to the employer, not the employee. Various acts of Parliament cover different types of intellectual property.

26.2 Certain activities undertaken within the Council may give rise to items that may be patentable, for example, software development. These items are collectively known as intellectual property.

26.3 **Responsibilities of Directors**

- To ensure that controls are in place to ensure that staff do not carry out private work in Council time and that staff are aware of an employer's rights with regard to intellectual property.

27.0 Asset Disposal

27.1 It would be uneconomic and inefficient for the cost of assets to outweigh their benefits. Obsolete, non-repairable or unnecessary resources should be disposed of in accordance with the law and the regulations of the Council.

27.2 Assets for disposal should be identified and disposed of at the most appropriate time, and only when it is in the best interests of the Council, and best price is obtained, bearing in mind other factors, such as environmental issues. For items of significant value, disposal should be by competitive tender or public auction. Any disposals of land should be in line with the Land Acquisition & Disposal Policy. Procedures protect staff involved in the disposal from accusations of personal gain.

27.3 Any disposal, appropriation or exchange of property or other fixed assets shall ensure that the Council obtains value for money from the transaction. Terms of disposal should not be finalised without the benefit of a current valuation undertaken by a suitable firm of valuers appointed under arrangements approved by that Director. The terms of disposal must also take account of the taxation implications to the Council of the disposal.

27.4 All devices that could contain data (e.g. PCs, laptops, mobile phones, hand held communication devices, memory sticks etc.) must be disposed of through ICT.

27.5 **Responsibilities of the Director for Corporate Services**

- To issue guidelines representing best practice for disposal of assets.
- To ensure appropriate accounting entries are made to remove the value of disposed assets from the Council's records and to include the sale proceeds if appropriate.

27.6 **Responsibilities of Directors**

- To seek advice on the disposal of surplus or obsolete materials, stores or equipment as necessary.
- To dispose of surplus assets in accordance with any guidelines on best practice issued by the Chief Finance Officer.
- To ensure that income received for the disposal of an asset is properly banked and coded.
- To ensure that the Asset Register or inventory is updated following a disposal.

28.0 Banking and Treasury Management

28.1 Many millions of pounds pass through Councils books each year. This led to the establishment of Codes of Practice. These aim to provide assurances that the Council's money is properly managed in a way that balances risk with return, but with the overriding consideration being given to the security of the Council's capital sum.

28.2 All cheques drawn on the Council's main bank accounts shall bear the pre- printed signature of the Chief Finance Officer or, in the case of imprest cheques, be signed by the Chief Finance Officer or signatory authorised by him or her. Cheques drawn on any other Council bank accounts should be signed by an authorised Officer.

28.3 Responsibilities of the Director for Corporate Services

- For the operation of the council's bank accounts ensuring regular and complete reconciliations are carried out of balances held to financial records maintained.
- To ensure all cheques (except imprest account cheques) for the Council's main bank accounts shall be produced directly from the finance system in a format approved by the Chief Finance Officer, who shall make proper arrangements for the preparation and despatch of the cheques, and for the custody of blank cheques.
- To provide Officers of the Council with cash, bank imprest or credit card accounts to meet minor expenditure on behalf of the Council and to prescribe rules for operating these accounts. Minor items of expenditure should not exceed the prescribed amount.
- To determine the imprest account limits and to ensure records of all transactions on imprest accounts are maintained and periodically to review the arrangements for the safe custody and control of these imprest accounts.
- To reimburse imprest holders as often as is necessary to restore the imprests, but normally not more than monthly.
- To ensure that all payments made from the main bank accounts by way of Clearing House Automated Payments (CHAPs) and Bankers Automated Credits (BACs) transactions are properly controlled and suitably authorised.
- To have the overall management of the authority's investment, borrowing and other capital financing arrangements but may delegate day to day treasury management activity to other Officers. All borrowing shall be undertaken by the Chief Finance Officer. Directors do not have authority to borrow money.
- To maintain records of all borrowings and lending of money by the Council.
- To ensure at the beginning of each year and prior to the approval of the Council's budget, to report to the Cabinet a Treasury Management Strategy for the year. The Strategy, which shall comply with the approved policy, shall identify the Authority's strategy for borrowing and lending during the financial year and set out its policy for minimum revenue provision. The Cabinet shall recommend the Strategy to Council for approval.
- To report the performance of the Treasury Management function to the Cabinet not less than twice in each financial year on the activities of the Treasury Management operations and the exercise of the delegated Treasury Management powers. Such reports shall include an annual report on Treasury Management activity for each financial year for presentation by 30 September of the succeeding financial year, a mid-year Treasury Management activity report

and an annual strategy and plan in advance of the start of each financial year.

- To manage and report on the Council's Treasury Management Operations in accordance with the CIPFA "Code for Treasury Management in Local Authorities", and the Council's approved Treasury Management Strategy.
- To make arrangements for the investment and management of all of the Authority's cash balances in the name of the Authority unless otherwise agreed by Council in respect of any specific investments.
- To ensure that all securities that are the property of the Council or its nominees and the Title Deeds of all property in the Council's ownership are held in the custody of the Director for Law and Governance.
- To effect all borrowing in the name of the Council and to ensure borrowing meets the needs of the Authority on the most economic terms. All borrowing shall comply with the Council's Treasury Strategy.
- To act as the Council's registrar of stocks, bonds and mortgages and to maintain records of all borrowing of money by the Council.
- To ensure that the authority's borrowings and investments comply with the CIPFA *Code of Practice on Treasury Management,* with the Council's Treasury Policy Statement and Treasury Management Practices.
- To operate bank accounts as are considered necessary.

28.4 **Responsibilities of Directors**

- To ensure that employees operating an imprest account:

  (a) obtain and retain vouchers to support each payment from the imprest account. Where appropriate, an official receipted VAT invoice must be obtained
  (b) make adequate arrangements for the safe custody of the account
  (c) produce upon demand by the Chief Finance Officer cash, cheques and all vouchers to the total value of the imprest account
  (d) record transactions promptly
  (e) reconcile and balance the account at least monthly; reconciliation sheets to be signed and retained by the imprest holder
  (f) provide the Chief Finance Officer with a certificate of the value of the account held at 31 March each year
  (g) ensure that the imprest is never used to cash personal cheques or to make personal loans and that the only payments into the account are the reimbursement of the imprest and change relating to purchases where an advance has been made
  (h) on leaving the Council's employment or otherwise ceasing to be entitled to hold an imprest advance, an employee shall account to the Chief Finance Officer for the amount advanced to him or her.

- To ensure that loans are not made to third parties and that interests are not acquired in companies, joint ventures or other enterprises without the approval of the Cabinet following consultation with the Chief Finance Officer.
- To follow the instructions on banking issued by the Chief Finance Officer.
- To arrange for all trust funds to be held, wherever possible, in the name of the Council. All Officers acting as trustees by virtue of their official position shall deposit securities, etc. relating to the trust with the Director for Law and Governance unless the deed otherwise provides.
- To arrange, where funds are held on behalf of third parties, for their secure

administration, such arrangements to be approved by the Chief Finance Officer and to maintain written records of all transactions.

- To ensure that trust funds are operated within any relevant legislation and the specific requirements for each trust.

29.0 **Grants and other External Funding**

29.1 External funding is a very important source of income, but funding conditions need to be carefully considered to ensure that they are compatible with the aims and objectives of the Council. Local authorities are increasingly encouraged to provide seamless service delivery through working closely with other agencies and private service providers. Funds from external provide additional resources to enable the Council to deliver services to the local community. However, in some instances, although the scope for external funding has increased, such funding is linked to tight specifications and may not be flexible enough to link to the Council's overall plan.

29.2 **Responsibilities of the Director for Corporate Services**

- To maintain a grants register for all funding submissions notified by Directors.
- To certify grant claims based on adequate supporting documentation provide by Directors.
- To ensure that all funding notified by external bodies is received and properly recorded in the Council's accounts.
- To ensure that the match-funding requirements are clearly understood and are considered prior to entering into the agreements and that future revenue budgets reflect these requirements.
- To ensure that audit requirements are met.

29.3 **Responsibilities of Directors**

- To submit expressions of interest for funding (which does not commit the Council to formally bid for funding) in consultation with the relevant Portfolio Holder.
- To ensure any applications for grant funding or other external funding above £50,000 is approved by the Chief Finance Officer and then Cabinet unless the timetable for bidding will not allow. In these cases the Leader, Portfolio Holder Finance and Chief Finance Officer must approve any bids. The report to Cabinet shall set out:

  (a) the purpose and objective of the project;
  (b) how projects fit in with the Council's objectives;
  (c) details of funding/grant being sought;
  (d) any financial contribution required from the Council either in terms of match funding or other costs;
  (e) any ongoing revenue or capital implications;
  (f) any known conditions of funding;
  (g) key dates and milestones.

- To ensure all applications for grant income/external funding below £50,000 is signed by a Director and the Chief Finance Officer and undertaken with relevant Portfolio Holder approval.

- To ensure the certification of expenditure in support of a grant claim is authorised by the Chief Finance Officer or his/her nominee.
- To ensure that all claims for funds are made by the due date.
- To ensure that the externally funded projects progress in accordance with the agreed project plan and that all expenditure is properly incurred and recorded.
- To ensure that key conditions of funding and ant statutory requirements are complied with and that the responsibilities of the accountable body are clearly understood.
- To ensure that funds are acquired only to meet the priorities approved in the policy framework by the Council.
- To ensure that any match-funding requirements are clearly understood and are given due consideration prior to entering into long-term agreements and that future revenue budgets reflect these requirements.

30.0 **Work for Third Parties**

30.1 Current legislation enables the Council to provide a range of services to other bodies. Such work may enable a unit to maintain economies of scale and existing expertise. Arrangements should be in place to ensure that any risks associated with this work is minimised and that such work is intra vires.

30.2 **Responsibilities of the Director for Corporate Services**

- To provide financial advice and support to services to enable them to adequately cost and price work to third parties.

30.3 **Responsibilities of Directors**

- To ensure that proposals are costed properly in accordance with any guidance provided by the Chief finance Officer.
- To ensure that contracts are drawn up using any guidance provided by the Director for Law and Governance and that formal approval is sought when amounts are significant.
- To maintain proper financial records of all transactions with third parties.
- To ensure that, wherever possible, payment is received in advance of the delivery of the service.
- To ensure that the service has the appropriate expertise to undertake the contract.
- To ensure that such contracts do not impact adversely upon the services provided for the Council.
- To provide appropriate information to the Chief Finance Officer to enable a note to be entered into the statement of accounts.

APPENDIX A12

MEMBERS' ROLES AND RESPONSIBILITIES

This document sets out the roles and responsibilities of the most prominent Members of the Council.

1.0 **Mayor and Deputy Mayor**

2.0 Civic Role

2.1 The Council's Mayor, supported by the Deputy Mayor will perform the Council's civic role.

2.2 This entails raising and maintaining the profile of the Council's area and its citizens. The aims and values of the Council will be promoted in an apolitical manner.

Civic Events

The Mayor throughout his term of office should remain impartial in all matters of policy and should not be involved in the direction of affairs or get involved in any campaigns. The Mayor should not become involved in Council Policy or activities of a controversial nature. Where matters are raised with him/her, he/she should take no action and instead raise the matter in the first instance with the Leader of the Council or the appropriate Portfolio Holder for action.

2.3 The Mayor will decide which civic and ceremonial functions to promote within the allocated budget. These functions may include representing the Council at events organised by other local authorities or organisations.

Relationship with Cabinet Members

The Mayor should not normally become involved in any matter, which is within the role of a Cabinet Member, but if an occasion arises then the Mayor should receive the fullest support of the appropriate Cabinet Member, or the appropriate Chief Officer.

Other Appointments

The Mayor should not be appointed as Chair or Vice-Chair of any Committee or Sub-Committee of the Council.

3.0 **Council Role**

3.1 The Mayor is elected at the Annual Council meeting in May. The Deputy Mayor is appointed at the same meeting.

3.2 The Mayor is the conscience of the Council and is responsible for:

- Upholding and promoting the purposes of this Constitution and interpreting it, where necessary, with advice.
- Chairing Council Meetings to ensure that business is carried out efficiently and effectively.
- Ensuring the rights of Members and the interests of the Council's citizens are protected in the running of the Council meeting, ensuring that, at Council meetings, matters of concern to local people can be debated through the appropriate Councillors.
- Ensuring that Members not on the Cabinet, or who do not hold the Chairmanship of a main committee, are able to hold those office holders to account.
- Promoting public involvement in the Council's activities and acting as a link between members of the public and organisations and the Council.
- Carrying out other roles on behalf of the Council.

3.3 The Deputy Mayor will support the Mayor in his/her civic role and will also carry out civic duties on behalf of the civic office and deputise for the Mayor in his/her absence.

4.0 Who may become Mayor or Deputy Mayor

4.1 Any elected Member of the Council shall be eligible for election to the office of Mayor, or appointment as Deputy Mayor except for Members of the Cabinet.

The Deputy Mayor will normally succeed to the Mayoralty in the following year.

5.0 **The Leader**

5.1 The Leader will hold office for a period of four years from the date he/she is elected to that office by the Council or until:

- he/she resigns from the office of Leader
- he/she becomes ineligible to be a Member of the Council, either for a specific period, or indefinitely
- he/she ceases to be a Member
- he/she is removed from office by a no confidence resolution of the Council requiring a simple majority, in respect of which the motion has been fully set out in the agenda for the meeting.

5.2 Where there is a vacancy in the office of Leader, the Deputy Leader will assume the responsibilities of the Leader until the next Council Meeting.

5.3 The Leader shall appoint a Deputy Leader who shall be a member of the Cabinet and who shall hold office until such time as the term of office of the Leader who appointed him/her comes to an end, or until he/she is removed

from office by the Leader, or he/she ceases to be a Cabinet member.

5.4 Where both the Leader and Deputy Leader cease to hold office at the same time, the Council's Mayor shall call a meeting of Council as soon as possible, to elect a new Leader.

6.0 **Cabinet Members (Portfolio Holders)**

6.1 Other Members of the Cabinet will hold office until;

- he/she becomes ineligible to be a Member of the Council, either for a specific period, or indefinitely
- he/she ceases to be a Councillor
- the Leader brings their term of office to an end

7.0 **Responsibility for Functions**

7.1 The Leader will ensure that a record is kept of the Cabinet functions which are the responsibility of Portfolio Holders, any Cabinet Committee or Sub-Committee, officers or joint arrangements. This will be in the form of an Executive Delegation Scheme.

8.0 **Cabinet Portfolios**

8.1 The following are the Council's Cabinet Portfolios (which may be varied from time to time by the Leader):

- Leader
- People and Communities
- Growth and Regeneration
- Law and Governance
- Corporate Services
- Planning and Regulatory Services

9.0 **Responsibilities of all Cabinet Members**

9.1 Each Cabinet Member is the spokesperson for the policy area or 'portfolio' they are responsible for. They also:

- Lead on developing council policy and make recommendations to the Cabinet.
- Provide guidance to the Cabinet on running activities.
- Give guidance to the Cabinet on budget priorities.
- Monitor performance and make sure policy is delivered.
- Lead on improving council services.
- Make sure that activities meet the council's overall vision, core values and guiding principles.

9.2 Additional Cabinet Member responsibilities include:

- Contributing to debate and decision-making.
- Working with councillors who are not members of the cabinet, members of the opposition and officers to make sure that the overview and scrutiny process works correctly.
- Appearing before and responding to overview and scrutiny committee reports.
- Representing the council at a national and local level.

10.0 **Leader of the Opposition**

- To be a political figurehead for the opposition group.
- To be the main political spokesperson for the Council's opposition.
- To provide leadership in the constructive challenge of the Council's policies.
- To constructively challenge the vision for the Council and community, where appropriate.
- To provide strong, clear leadership in the co-ordination of alternative policies, strategies and service delivery.

PETITIONS SCHEME

The Authority welcomes petitions and recognises that petitions are one way in which people can let us know their concerns.

A petition is a formal written request, typically one signed by many people, appealing to an organisation, such as the Authority or public service, in respect of a particular cause, concern, or issue.

It might be helpful if you contact the Authority to discuss your petition before starting to collect signatories.

1.0 **Who can create and submit a petition?**

1.1 Anyone who lives, works or studies in the Borough can create or sign a petition about a local issue and submit it to the authority. Petition signatories should be over 18, though there may be exceptional circumstances, where a separate, supplementary petition from those under 18 will be accepted in support of the substantive petition

2.0 **What are the guidelines for the format and submission of a petition?**

2.1 Petitions submitted to the Authority must include

- A clear and concise statement covering the subject of the petition. It should state what action the petitioner wishes the Authority to take and include any request that the petition be considered at Scrutiny Committee or the Council Meeting.
- This statement should be printed on each page so it is clear that every signatory has assented to their inclusion and is fully aware of what they are supporting. The name, postal code and signature of each person supporting the petition
- A minimum of 50 signatures of people who live, work or study in the Borough
- The contact details address and name of the lead petitioner, who must live, work or study in the Borough. This is the person we will contact to explain how we handle the petition. In the absence of a clear contact point, we will contact signatories to the petition to agree who should act as the petition organiser

3.0 **Issues specifically excluded from the Petition Scheme**

3.1 The following matters are specifically excluded under the Petitions Scheme and will not be considered under the Scheme:

- Any matter relating to a planning application or decision or in relation to

consultation carried out in respect of any Development Plan Document. In these circumstances petitions will be considered as responses to consultation/publicity.

- Any matter relating to a licensing decision, including licensing applications under the Licensing Act 2003 and the Gambling Act 2005.
- Any matter which is currently or imminently subject to a consultation exercise
- Any matter which has been subject to a statutory consultation exercise, and the consultation exercise has now closed, such as the Local Plan or other local development plan documents.
- Any matters relating to complaints against Councillors under the Code of Conduct.
- Any matter where there is an existing right of appeal.
- Statutory petitions such as requesting a referendum on having an elected mayor.
- Any matter which is substantially the same as a petition submitted in the previous 12 months.
- Any matter which is considered to be vexatious, discriminatory, abusive or otherwise inappropriate.
- Any matter which is considered to be "exempt" under the Local Government Act 1972, Access to Information Act 1985, the Data Protection Act 1998, the Freedom of Information Act 2000 or the Environmental Information Regulations 2004.

We will notify you of the reasons for your petition not being dealt if it is excluded under one or more of the above grounds

4.0 **Where should I send my Petition?**

4.1 Paper petitions can be sent to the Monitoring Officer at the Council Offices or electronically on democraticservices@melton.gov.uk.

5.0 **What will happen to my Petition?**

5.1 If you would like to present your petition to a Scrutiny Committee meeting or the Council Meeting, or would like your Councillor or someone else to present it on your behalf, please contact the Democratic Service Team (Contact details above) at least 10 working days before the meeting and they will talk you through the process.

5.2 If you want to submit a petition to a specific meeting of the Council, or any Scrutiny or Committee meeting you must give notice in writing to the Democratic Services Team providing details of the subject matter and number of signatures by no later than ten clear days before the meeting.

5.3 The person submitting the petition must also indicate who will present the petition to the meeting.

5.4 If your petition has received 1000 signatures or more it will be scheduled for a Council debate and if this is the case we will let you know when this will happen.

5.5 If you would like your petition to be presented to a Council meeting then you can view dates and times at www.melton.gov.uk If you would like to present your petition to the Authority or would like your Councillor or someone else to present it on your behalf, please contact the Monitoring Officer at the Council offices or email democraticservices@melton.gov.uk 10 clear days before the meeting and they will talk you through the process.

6.0 **Merging petitions**

6.1 Where the Authority receives petitions relating to the same issue we will consider amalgamating the signatories only with the approval of the petition organisers.

7.0 **What will the Authority do when it receives my petition?**

7.1 An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again.

7.2 The petition will also be published on our website except in cases where this would be inappropriate. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed).

7.3 The Authority may seek to verify persons who are included on the petition.

7.4 In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply.

8.0 **How will the Authority respond to petitions?**

8.1 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 authority meeting
- Holding an inquiry into the matter
- Undertaking research into the matter
- Holding a public meeting
- Holding a consultation
- Holding a meeting with petitioners
- Calling a referendum
- Writing to the petition organiser setting out our views about the request in the petition. If your petition is about something over which the authority has no

direct control (for example the local railway or hospital) the authority may, with the consent of the lead petitioner, forward it to the most relevant body

9.0 **Authority Debates**

9.1 If a petition contains more than 1000 signatures it will be debated by the Council Meeting. This means that the issue raised in the petition will be discussed at a meeting which all Councilllors can attend.

9.2 The Councillor will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting.

9.3 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 up to 30 minutes.

9.4 The Council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee.

9.5 Where the issue is one on which the Authority's Cabinet are required to make the final decision, the Council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website. Where the Authority has received several different petitions it may be necessary to limit the number to be heard at a particular meeting of the Council but we will inform you if this is the case.

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

10.1 If you feel that we have not dealt with your petition properly, the petition organiser should follow the Complaints Procedure. This guidance should be read in conjunction with Procedure Rules for the relevant Authority meeting.

PROPER OFFICER DESIGNATIONS

This part sets out who the Council has authorised to be the Officer responsible for ensuring obligations which are imposed on the Council by law. If you have any concerns about the obligations shown below then you should contact the Proper Officer who is responsible.

1.0 The Council has approved the appointment of the following officers as proper officers.

1.1 Any reference to Chief Officer below should be interpreted as referring to the Chief Officer with responsibility for the relevant power or function. This is shown more clearly in the Officer Scheme of Delegation.

1.2 The Chief Financial Officer shall act as the proper officer in respect of any other statute where specific arrangements for financial matters have not been made under the following provisions.

1.3 The Monitoring Officer shall act as the proper officer in respect of any other statute where specific arrangements for legal matters have not been made under the following provisions.

1.4 The Chief Executive shall act as the proper officer in relation to any other enactment where specific arrangements have not been made under the following provisions.

1.5 The relevant post holders listed below have been delegated Proper Officers for the purposes of the legislative provisions (and any subsequent amendments/revisions) as detailed below:

1.6

Legislative Provision	Function	Proper Officer
Building Act 1984:		
s.35A	Certifying evidence is sufficient to justify commencing proceedings for contravention of building Regulations.	Chief Officer
s.61	Access to work to repair drain.	Chief Officer
s.78	Taking immediate action in relation to dangerous building.	Chief Officer (or any officer authorised by him/her)
s.93	Authentication of documents.	Chief Officer
Food Safety Act 1990:		
s.49	Documents relating to matters within province.	Chief Officer

Freedom of Information Act 2000:		
s.36	Qualified Person.	Monitoring Officer
General Data Protection Regulation (EU) 2016/679:		
Articles 37, 38 and 39	Data Protection Officer	Chief Officer
Localism Act 2011:		
s.81	Administration of Community Right to Challenge.	Chief Officer
s.87	Maintenance of Lists of Assets of Community Value	Chief Officer
Leicestershire County Council Act XXX:		
Local Authorities Cemeteries Order 1977:		
Regulation 10	To sign exclusive rights of burial.	Chief Officer
Local Authorities (Conduct of Referendums) (England) Regulations 2007 No.2089:		
Regulation 4	Publicity in connection with referendums.	Chief Executive
Regulation 41 and paragraph 43 of Schedule 5	Receive declaration of result.	Chief Executive
Local Authorities (Executive Arrangements) Access to Information (England) Regulations 2000 No.3272:		
Regulation 3	Recording of Executive decisions made at meetings of the Cabinet.	Chief Executive
Regulation 4	Recording of executive decisions made by individual members.	Chief Executive
Regulation 5	Making documents available for inspection following executive decisions.	Chief Executive
Regulation 6	Compiling list of background papers for inspection.	Chief Executive
Regulation 9	Making report and background papers relating to key decision available for inspection.	Chief Executive
Regulation 11	Access, to agenda and connected reports.	Chief Executive
Regulation 12	Publicity in connection with key decisions.	Chief Executive

Regulation 15	General exception relating to the Forward Plan.	Chief Executive
Regulation 17	Members' rights of access to documents.	Chief Executive
Regulation 21	Confidential/exempt information and exclusion of public from meetings.	Chief Executive
Local Authorities (Executive and Alternative Arrangements) (Modification of Enactments and Other Provisions) (England) Order 2001 No.2237:		
Article 45	Recording disclosure of prejudicial interests.	Monitoring Officer
Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007 No. 1024:		
Regulation 54	Receive declaration of result.	Chief Executive
Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000 No. 2852:		
Regulation 4	Publish the number that is equal to 5 per cent. of the number of local government electors for the authority's area.	Chief Officer
Regulation 7	Post announcement and post directions – petitions.	Chief Officer
Regulation 8	Amalgamation of petitions.	Chief Officer
Regulation 11	Procedure on receipt of petition.	Chief Officer
Regulation 13	Publicity for valid petitions.	Chief Officer
Regulation 14	Publicity for invalid petitions.	Chief Officer
Regulation 19	Action following direction.	Chief Officer
Local Authorities (Standing Orders) (England) Regulations 2001 No. 3384:		
Regulation 5 and 6	Officer who will give written notice of appointment or dismissal of chief officers.	Chief Executive Monitoring Officer
Local Elections (Parishes and Communities) (England and Wales) Rules 2006 No. 3305:		
Rule 5	Receipt of request to fill a casual vacancy in the office of a parish or community councillor.	Chief Executive
Paragraph 50 of Schedule 2	Receipt of declaration of result in parish or community election.	Chief Executive
Local Government Act 1972:		
s.13(3)	Proper Officer where there	Chief Executive

	is no separate parish council.	
s.83(1) – (4)	Witness and receipt of Declaration of Acceptance of Office.	Chief Executive Monitoring Officer
s.84(1)	Receipt of notice of resignation of Elected Member.	Chief Executive Monitoring Officer
s.88(2)	Arranging a Council meeting to appoint to Chair of the Council.	Chief Executive Monitoring Officer
s.89(1)	Receipt of notice of casual vacancy.	Chief Executive
s.96(1) and (2)	Receipt of notices and recording disclosures of interests.	Monitoring Officer
s.100 (except s.100D)	Admission of public (including press) to meetings.	Monitoring Officer
s.100(B)(2)	The officer also may exclude from agendas any information which is likely to be dealt with in the absence of press and public.	Chief Executive Monitoring Officer
s.100(B)(7)	The officer to supply to newspapers copies of documents supplied to Councillors.	Monitoring Officer
s.100(C)(2)	The officer to prepare a written summary of proceedings at Committees / Sub-Committees.	Monitoring Officer
s.100(D)(1) and (5)	The officer responsible for identifying and compiling lists of background papers.	Monitoring Officer
s.100(F)(2)	The officer to determine when a document should not be open to inspection because it discloses exempt information.	Monitoring Officer
s.115(2)	Receipt of money due from officers.	Chief Financial Officer
s.137 and s.137A	Receipt of statement provided in relation to financial assistance.	Chief Financial Officer
s.146(1)(a) and (b)	Declarations and certificates with regard to transfer of securities.	Chief Financial Officer
s.151 (and s.114 Local Government and Finance Act 1988)	The officer responsible for the proper administration of the Council's financial	Director for Corporate Services

	affairs.	
s.191	Officer to whom an application under S.1 of the Ordnance Survey Act 1841 will be sent.	Chief Officer
s.225	Deposit of documents.	Chief Executive
s.228(3)	Accounts for inspection by any member of the Council.	Chief Executive
s.229(5)	Certification of photographic copies of documents.	Monitoring Officer
s.234	The officer required to make or issue any notice, order or other document under any enactment and to sign the same.	Chief Executive Monitoring Officer
s.236(9) and (10)	Sending of copies of byelaws to parish councils, parish meetings and County Council.	Monitoring Officer
s.238	Certification of byelaws.	Monitoring Officer
s.248	Officer who will keep the Roll of Freemen.	Monitoring Officer
Para 4(2)(b) of Schedule 12	Signing of summons to Council meeting.	Chief Executive Monitoring Officer
Para 4(3) of Schedule 12	Receipt of notice about address to which summons to meeting is to be sent.	Monitoring Officer
Para 25 of Schedule 14	Certification of resolution passed under this paragraph.	Chief Executive Monitoring Officer
Para 28 of Schedule 16	Deposits of lists of buildings of special architectural or historic interest.	Chief Executive
Para 4(1)(a)&(c) of Schedule 29	The officer referred to as the Chief Finance Officer of any enactment passed before or during the 1971/72 Session of Parliament, other than the Local Government Act 1972, or in any instrument made before 26 October 1972 and in any local statutory provisions.	Director for Corporate Resources
Para 4(1)(a)&(c) of Schedule 29	The officer referred to as the Surveyor in any enactment passed before or during the 1971/72 Session of Parliament,	Housing and Corporate Asset Manager

	other than the Local Government Act 1972, or in any instrument made before 26 October 1972 and in any local statutory provisions.	
Para 4(1)(a)&(c) of Schedule 29	The officer referred to as the Public Health Inspector or Sanitary Inspector in any enactment passed before or during the 1971/72 Session of Parliament, other than the Local Government Act 1972, or in any instrument made before 26 October 1972 and in any local statutory provisions.	Assistant Director for Strategic Planning and Regulatory Services
Local Government Act 1974:		
s.30(5)	To give notice that copies of an Ombudsman's report are available.	Monitoring Officer
Local Government Act 2000:		
	All references to the Proper Officer in the Local Government Act 2000 and subordinate legislation.	Chief Executive except as specifically provided in this scheme
Local Government Finance Act 1988:		
s.114	Financial Report to the Authority.	Chief Financial Officer Monitoring Officer
s.116	Notify auditor of meeting to consider financial report to the authority and decision at that meeting.	Chief Financial Officer
Local Government Housing Act 1989:		
s.2(4)	Recipient of the list of politically restricted posts.	Monitoring Officer
s.3	Employers certificate for exemption from politically restricted posts.	Monitoring Officer
s.4	Head of Paid Service.	Chief Executive
s.5	The Monitoring Officer.	Director for Law and Governance
s.15	Officers to receive notices relating to membership of political groups.	Monitoring Officer
s.19	Arrangements in respect of the Register of Members	Monitoring Officer

	Interests.	
Local Government (Miscellaneous Provisions) Act 1976:		
s.41(1)	The officer who will certify copies of evidence of resolutions and minutes of proceedings.	Monitoring Officer
Local Government (Committees and Political Groups) regulations 1990 No. 1553		
	For the composition of committees and nominations to political groups.	Monitoring Officer
National Assistance Act 1948:		
s.48	Medical Officer of health.	Chief Executive
s.8	Electoral Registration Officer.	Chief Executive
s.8	Deputy Registration Officer.	Director for Law and Governance
s.24	Acting Returning Officer for a Parliamentary Election.	Chief Executive
s.24	Deputy Acting Returning Officer for a Parliamentary Election.	Director for Law and Governance
s.35	Returning Officer for Local Elections.	Chief Executive
s.67	Acting as the appropriate person for the purposes of Part II.	Chief Executive
s.82 and 89	Receipt of election expense declarations and returns and the holding of those documents for public inspection.	Chief Executive
s.128	Publishing a petition questioning a local election.	Chief Executive
s.131	Providing suitable accommodation for election court.	Chief Executive
S.145	Receipt of High Court Certificate at the conclusion of trial of local election petition.	Chief Executive
s.200	Posting notices required in relation to local elections.	Chief Executive
Paragraphs 3, 5 and 8 of Schedule 4	Receipt of an election expense declarations and returns and the holding of those documents for public	Chief Executive

	inspection.	

2.0 Public Health

2.1 Note: infectious disease legislation for which Melton Borough Council is the enforcing Authority is co-ordinated by a joint approach. The Consultant in Health Protection is employed by the Leicestershire Health Authority and is appointed as the proper officer for Melton Borough Council.

2.2

National Assistance Act 1948 (as amended by the National Assistance Act 1951)		
s.47	Removal of suitable premises of person in need of care and attention.	Consultant in Health Protection
Public Health Act 1936:		
s.79	Power to require removal of noxious matter.	Chief Officer
s.84	Certificate relating to cleansing or destruction of filthy or verminous items.	Chief Officer
	Cleansing of verminous persons or articles.	Chief Officer
s.85(2)	To serve notice requiring remedial action where there are verminous persons or articles.	Consultant in Health Protection and Chief Officer
Public Health (Control of Disease) Act 1984:		
s.11(1)	Notifiable disease/food poisoning.	Chief Officer
s.11(3)	Notifiable disease/food poisoning.	Consultant in Health Protection
s.18	Information to be furnished with regard to notifiable diseases/food poisoning.	Chief Officer
s.20(1)	Preventing someone working to stop spread of disease.	Consultant in Health Protection
s.21	Preventing someone working to stop the spread of disease.	Consultant in Health Protection
s.22	List of day pupils at schools having a case of notifiable diseases.	Consultant in Health Protection
s.23		Consultant in Health Protection
s.24(1)(a)	Infected articles not to be taken or sent to be washed or cleaned.	Consultant in Health Protection
s.24(3)		
s.29	Letting of house or room	Consultant in Health

	after recent case concerning notifiable disease.	Protection
s.31	Certification by officer of need for disinfection of premises.	Consultant in Health Protection
s.32	Certification by officer of need to remove person from infected house.	Chief Officer
s.35	Power of Justice to order a medical examination.	Consultant in Health Protection
s.36	Certification in respect of power of justice to order medical examination of group of persons believed to comprise carrier of a notifiable disease.	Consultant in Health Protection
s.37		Consultant in Health Protection
s.38		Consultant in Health Protection
s.40	Power of Justice to order medical examination if inmates of common lodging house.	Consultant in Health Protection
s.41	Power of local authority to remove temporarily inmate of infected house.	Consultant in Health Protection
s.43	Removal of body of a person suffering from notifiable disease.	Consultant in Health Protection
s.48	Removal of body to mortuary or for immediate burial.	Consultant in Health Protection
s.60	Receipt of notices and other documents.	Chief Officer
Public Health (Aircraft) Regulations 1979:		
Regulation 5 and all references to Medical Officers		Chief Officer

3.0 Deputy Proper Officer Provisions

3.1 Chief Executive:

In respect of the purposes for which the Chief Executive is the Proper Officer of the Council, the Deputy Chief Executive be authorised to act as such Proper Officer when the Chief Executive is unable to act

3.2 Monitoring Officer:

In respect of the purposes for which the Monitoring Officer is the Proper Officer of the Council, the Deputy Monitoring Officer be authorised to act as such Proper Officer when the Monitoring Officer is unable to act

3.3 Chief Finance Officer:

In respect of the purposes for which the Chief Financial Officer is the Proper Officer of the Council, the Deputy Chief Financial Officer be authorised to act as such Proper Officer when the Chief Financial Officer is unable to act

CONTRACT PROCEDURE RULES

Contract Procedure Rules set out the principles, roles and processes involved in procurement at the Council. Whenever the Council is seeking works, goods or services they must comply with these Rules. They should be read in conjunction with the rest of the Constitution, Financial Procedure Rules and any relevant legislation.

All procurements must realise value for money through the combination of costs and quality.

These Rules seek to protect the Council's reputation by minimising the risk of allegations of corruption, dishonesty and failure to meet legal obligations. Following these Rules will ensure that how the Council procures works, goods and services is as transparent and fair as possible.

Officers are able to access detailed, practical guidance available in the Procurement Toolkit which will help them to practically use these Rules.

These Rules do not apply in the following circumstances:

- The purchase or lease of property, land acquisition, interest in land, transaction in land or disposal. This does not extend to any service, supplies or works contracts that may be required to make the land, existing buildings or immoveable property ready for acquisition, disposal or leasing.
- Direct employment of permanent or fixed term employees, for the avoidance of doubt these Rules do apply to consultancy and employment agency contracts.
- Instructing barristers or solicitors and those costs do not exceed the relevant EU Threshold.
- The lending or borrowing of money by the Council.
- Contracts between Local Authorities as defined by Clause 12 of the Public Contract Regulations 2015

1.0 **Roles and Responsibilities**

1.1 Officers

1.2 The Officer responsible for the procurement must comply with these Contract Procedure Rules and the Financial Procedure Rules. The Officer is also responsible for ensuring that any Agents acting on behalf of the Council do so in compliance with these Rules and should seek written confirmation of their agreement.

1.3 As part of the service planning process Officers are expected to highlight all required procurements support through the annual Procurement Work Plan in advance of the next financial year.

1.4 Officers are responsible for ensuring the Welland Procurement Unit are aware of the timescales for upcoming procurement work especially for contracts in excess of £50,000 in sufficient time.

1.5 Officers must have regard to the guidance contained in the Procurement Toolkit which can be accessed via the procurement via http://wellandprocurement.org.uk

1.6 Officers must check with Welland Procurement whether a suitable Corporate Contract or other Publicly Available Contract exists before seeking to let another Contract. Where such a contract does exist, its use should be considered.

1.7 Officers must keep the records detailed in these Rules.

1.8 The requirements for each procurement are detailed below. Where an EU procedure is required, the Officer **must** contact Welland Procurement before embarking on the procurement.

1.9 Officers should take all necessary legal, financial and other professional advice (e,g, HR, Comms) and ensure the necessary decisions are in place before embarking upon any procurement process.

1.10 Where any employee of the Council or of a Supplier may be affected by any transfer arrangement (TUPE), the Officer must ensure that the Transfer of Undertaking (Protection of Employment) issues are considered and obtain relevant advice.

1.11 Officers must ensure that the contracts for which they are responsible are effectively managed and monitored to ensure they deliver the requirement as intended.

1.12 Where an Officer has a potential conflict of interest within a procurement, the Officer must declare this immediately to the relevant Director and Monitoring Officer. The Officer may be required to withdraw from the procurement process. Any Officer who fails to declare such a conflict of interest may be subject to disciplinary proceedings and sanctions and risks being prosecuted under the Bribery Act 2010.

1.13 Senior Leadership Team

1.14 The Senior Leadership Team must ensure that they and their Officers comply with these Rules at all times.

1.15 The Senior Leadership Team must ensure that Value for Money is achieved in all procurements.

1.16 The Senior Leadership Team must ensure that they have in place a Scheme of

Delegation that records in writing what action Officers are authorised to take under these Rules.

1.17 In the interests of forward planning, the Senior Leadership Team should prepare, maintain and review a rolling schedule in respect of procurement activities valued over £50,000.

1.18 The Senior Leadership Team is responsible for ensuring that the Council's Contracts Register is updated as required following procurement activity.

1.19 Where an officer within the Senior Leadership Team has a potential conflict of interest within a procurement, the officer must declare this immediately to the relevant Director and Monitoring Officer. The Officer may be required to withdraw from the procurement process. Any Officer who fails to declare such a conflict of interest may be subject to disciplinary proceedings and sanctions and risks being prosecuted under the Bribery Act 2010.

2.0 Procurements valued under £10,000

2.1 Where the contract is valued below £10,000, Officers are required to seek at least one written quotation. Value for money remains a primary objective and so Officers may decide to seek more than one quotation to ensure that objective is achieved.

2.2 Quotations can be submitted via email but should be PDF documents to prevent tampering or accusations thereof.

2.3 The quotation(s) must be received before any order is processed and must include the following information:

a) A description of the goods, services or works to be supplied;
b) When and where they will be supplied;
c) The value of the requirement
d) Payment terms.

2.4 The contract or Purchase Order must be approved/signed by the relevant Budget Manager in accordance with budget authorisation limits (as outlined in the Financial Procedure Rules) via the Council's Corporate Financial System (electronic purchase order).

2.5 Where the value of the contract is more than £5,000, the resultant contract must be added to the Contract Register to ensure compliance with Transparency Regulations.

3.0 Procurements valued between £10,000 and £49,999

3.1 Where the contract is valued between £10,000 and £49,999 at least 3 quotations must be obtained in writing (email is acceptable). Those quotations must be invited from identified suppliers as no procurement advertising can take place.

3.2 It is recommended that the Request for Quotation template document is used which can be obtained from the procurement portal (see above 2.3 above). In any case

the criteria for selecting the most advantageous quotation must be established before the quotations are invited and be made clear in the procurement documentation.

3.3 At least one of the suppliers invited to submit a quotation should be local, where local means in the sub-region or region.

3.4 Where fewer than 3 potential suppliers can be identified, the Officer must keep a written record of the reason and all potential suppliers should be invited to quote. It is accepted that the Officer may received fewer than 3 quotations even where 3 or more suppliers have been invited to quote.

3.5 Quotations can be submitted via email but should be PDF documents to prevent tampering or accusations thereof.

3.6 The Officer must keep copies of the Council's procurement documentation as well as copies of all quotations received and any communication between the Council and the successful bidder. These documents should be stored in the Council's Central Procurement Filing System: Q:\21 Procurement

3.7 Evaluation of the quotations received must be carried out using the evaluation criteria identified in the procurement documentation. Clarification questions may be asked where responses would not result in a material change of the bid received.

3.8 The contract award must be authorised by a member of the Senior Leadership Team.

3.9 The contact or terms and conditions must be signed by a member of the Senior Leadership Team or a person authorised by them in accordance with the delegation scheme.

3.10 The resultant contract must be added to the Council's Contract Register to ensure compliance with Transparency Regulations.

3.11 If the contract is valued over £25,000, an award notice on Contracts Finder is required. Welland Procurement is responsible for such award notices.

4.0 Procurements Valued between £50,000 and the Current Goods and Services OJEU Threshold

4.1 Welland Procurement should be notified in respect of all contracts valued between £50,000 and the current goods and services OJEU Threshold because a single stage/open tender process must be completed. This means that all interested suppliers are eligible to submit a Tender.

4.2 The procurement must be advertised on Contracts Finder, Welland Procurement is responsible for managing this advertising.

4.3 The procurement will be managed using an electronic tendering system, the Officer must therefore contact Welland Procurement to access that system.

4.4 It is recommended that the Open Tender template documents are used, in any case the Officer must ensure that the required Standard Suitability Questions are

used which can be found on the procurement portal (see 2.2 above). The Officer must ensure that all relevant procurement documents are finalised before the procurement is advertised, these will include at least the Specification, Terms and Conditions of Contract and weighting evaluation criteria.

4.5 Tenders will be received via the electronic tendering system. The Officer, a representative of Welland Procurement and a duly appointed independent Council officer will be responsible for opening and logging the tenders to meet Internal Audit requirements.

4.6 Tenders must be evaluated in accordance with the advertised weighted evaluation criteria, clarification questions may be asked as long as the response would not have the affect of materially changing the tender received.

4.7 The bidder with the highest evaluation score will be awarded the contract. If this is not the case, the advice of Welland Procurement must be sought prior to award.

4.8 Contract award must be approved in writing by a member of the Senior Leadership Team.

4.9 All bidders must be notified of the Award decision simultaneously in writing (via email) by the Officer, whether or not their bid was successful.

4.10 The contract must be signed by a member of the Senior Leadership Team. In certain circumstances the contract may require sealing, please see Section xxx below.

4.11 The resultant contract must be added to the Council's Contract Register to ensure compliance with Transparency Regulations. The Officer is responsible for the subsequent storage and safe keeping of the signed contract.

4.12 The Officer must keep the following records:

a) The method of obtaining tenders.
b) Tender documents produced by the Council
c) Tenders received from bidders. The successful tender should be retained for at least the life of the contract. Unsuccessful tenders should be retained for the first 12 months of the contract.
d) A written record of the evaluation
e) A record of the Award approval
f) A signed copy of the Contract which should retained for the life of the contract and in normal circumstances for 6 years thereafter.
g) Communications to and from bidders during the procurement process.

These documents should be stored in the Council's Central Procurement Filing System: Q:\21 Procurement .

4.13 Where an Agent has managed the procurement on behalf of the Council, the Officer must ensure that the above documents are returned to the Council upon completion of the process and stored as detailed in xxx above.

4.14 An award notice is required on Contracts Finder, Welland Procurement is responsible for such award notices.

5.0 Procurements for Works Contracts Valued between the Goods and Services OJEU Threshold and the Works OJEU Threshold

5.1 Welland Procurement should be instructed for all Works contracts valued between the Goods and Services OJEU Threshold and the Works OJEU Threshold. The authorised Officer can choose either a single stage/open tender or two stage/restricted process.

5.2 The procurement must be advertised on Contracts Finder, Welland Procurement is responsible for managing this advertising.

5.3 The procurement will be managed using an electronic tendering system, the Officer must therefore contact Welland Procurement to access that system.

5.4 It is recommended that the Open Tender template or Restricted Tender template is used. In any case, the Officer must ensure that all relevant procurement documents are available at the time the procurement is advertised, these will include at least the Specification, Terms and Conditions of Contract and weighting evaluation criteria. Templates can be accessed from the procurement portal xxxxxxx).

5.5 Tenders will be received via the e tendering system. The Officer, a representative of Welland Procurement and a duly appointed independent Council officer will be responsible for opening and logging the tenders to meet Internal Audit requirements.

5.6 Tenders must be evaluated in accordance with the advertised weighted evaluation criteria, clarification questions may be asked as long as the response would not have the affect of materially changing the tender received.

5.7 The bidder with the highest evaluation score will be awarded the contract. If this is not the case, the advice of Welland Procurement must be sought prior to award.

5.8 Contract award must be approved by a member of the Senior Leadership Team.

5.9 All bidders must be notified of the Award decision simultaneously in writing (via email) by the Officer, whether or not their bid was successful.

5.10 The contract must be signed by a member of the Senior Leadership Team or an officer authorised by them in accordance with the delegation scheme. In certain circumstances the contract may require sealing, please see Section xxx.

5.11 The details of the resultant contract must be added to the Council's Contract Register to ensure compliance with Transparency Regulations. The Officer is responsible for the subsequent storage and safe keeping of the signed contract.

5.12 The Officer must keep the following records:

a) The method of obtaining tenders.
b) Tender documents produced by the Council
c) Tenders received from bidders. The successful tender should be retained for at least the life of the contract. Unsuccessful tenders should be retained for the first 12 months of the contract.

d) A written record of the evaluation
e) A record of the Award approval
f) A signed copy of the Contract which should retained for the life of the contract and in normal circumstances for 6 years thereafter.
g) Communications to and from bidders during the procurement process

These documents should be stored in the Council's Central Procurement Filing System: Q:\21 Procurement

5.13 Where an Agent has managed the procurement on behalf of the Council, the Officer must ensure that the above documents are returned to the Council upon completion of the process and stored as detailed in clause 5.12 above.

5.14 An award notice is required on Contracts Finder, Welland Procurement is responsible for such award notices.

6.0 Procurements Valued Over the Relevant OJEU Threshold

6.1 Where the anticipated value of the contract exceeds the relevant OJEU threshold, the formal advice of Welland Procurement must be sought as early as possible and in any case before any procurement activity takes place.

7.0 Procuring via a Framework Agreement or Dynamic Purchasing System (DPS)

7.1 A contract of any value can be procured via a framework agreement or DPS, compliance with these Rules and relevant national and EU law is achieved through compliance with the framework agreement/DPS terms and conditions.

7.2 For the avoidance of doubt, a framework agreement or DPS is considered a compliant procurement route where:
It has been entered into by the Council in compliance with these Rules; or
Another contracting authority, purchasing consortium or Central Government has tendered the framework agreement or DPS in compliance with national and EU procurement law and the Council is named as a potential user of the arrangement.

7.3 Contract award must be approved by a member of the Senior Leadership Team.

7.4 The contract must be signed by a member of the Senior Leadership Team.

7.5 The resultant contract must be added to the Council's Contract Register to ensure compliance with Transparency Regulations. The Officer is responsible for the subsequent storage and safe keeping of the signed contract.

7.6 Where the contract is valued over £25,000 an award notice is required on Contracts Finder, Welland Procurement is responsible for such award notices.

8.0 Other Matters to Consider

8.1 Conflict of Interest

- xxxx define when a conflict of interest must be declared
- Where xxxx above applies, all officers, Members and other stakeholders involved in procuring for the Council must sign a Declaration of Interest form at the start of the procurement process. This form is available from www.wellandprocurement.org.uk
- This form must be kept on file during the procurement itself and the contract term.

8.2 Abnormally Low Bids

- Under the Public Contract Regulations 2015, the Council is required to request an explanation of the price or costs proposed in a tender where that price or those costs appear to be abnormally low in relation to the requirement.
- Advice should be sought from Welland Procurement during this investigation process to ensure that the requirements of the Public Contract Regulations 2015 are adequately complied with.

8.3 GDPR Requirements

- The General Data Protection Regulations impose greater obligations on the Council to protect an individual's information.
- Officers conducting a procurement should ensure that the GDPR screening questions, available from Welland Procurement, are completed as early as possible in the planning stages of that procurement.
- Should any of the GDPR screening questions be answered positively, further advice must be sought from Welland Procurement and the Council's Data Protection Officer before any further action is taken.

8.4 Impact of Organised Crime

- In 2016 a pilot study was undertaken which found links between organised crime and specific categories of public sector procurement.
- Areas particularly at risk of involvement with organised crime are taxis/transport, waste and areas of low level spend, for example property maintenance.
- If an officer is seeking to procure in one of these higher risk categories, further advice should be sought from Welland Procurement.

8.5 Financial Sanctions Legislation

- Financial sanctions are imposed by government and may apply to individuals and entities in the UK and abroad. In most cases it is illegal to contract with individuals and entities subject to financial sanctions.
- Any officer concerned about whether the individual or entity they wish to enter into a contract with may be subject to financial sanctions should visit http://hmt-sanctions.s3.amazonaws.com/sanctionsconlist.htm

8.6 Sealing a Contract

- A contract must be sealed where the total value is over £50,000
- The Council wishes to enforce the contract for more than twelve years following its expiry (e.g. for land or construction works); or

- The price paid or received under the contract is a nominal price and does not reflect the value of the goods, services or works; or
- There is any doubt about the authority of the person signing for the other contracting party; or
- A Bond is established on behalf of the Supplier(s) or their guarantors; or
- Required by the Parties to the agreement; or
- where the Monitoring Officer deems it appropriate.

Where contracts are completed by each side adding their common seal, the affixing must be attested by or on behalf of the Council in accordance with the Constitution. The Director of Law and Governance is responsible for the process of sealing a contract.

9.0 Exemptions

9.1 The exemptions listed in this Section do not apply to procurements valued above the relevant EU Threshold (See below for thresholds).

Exemptions must be approved by the Director for Corporate Resources and the Director of Law and Governance upon completion of the form at Appendix 3 subject to one of more of the following criteria being fulfilled.

- No genuine competition: proprietary or patented goods or services; requirement of such a specialist nature that it can genuinely only be fulfilled by one person or organisation; compatibility with existing goods or services is required and where those existing goods or services can only be sourced from the same supplier.
- Genuine emergencies: critical preventative or remedial work where there is a real and imminent risk to the safety of people or property arising from hitherto unforeseen ‘catastrophic’ events or incidents, for example fire, bombing, landslide etc.
- Urgent Situations not of the Council’s own making: the urgency must have been reasonably unforeseeable (e.g. existing supplier going into liquidation) and genuinely be a case of time is of the essence. Urgency arising from the Council’s own making (e.g. lack of planning) shall not justify an exemption. Where this exemption is used, a compliant procurement must be implemented as soon as possible.
- Collaborative/Joint Procurement: where another authority/public body is acting as the ‘lead buyer’ and provided that the Officer can demonstrate those arrangements comply with relevant Regulations and best practice.
- Grants which the Council may receive or make: except where the grant is the form of payment for a contract for services where the Council specifies the output or outcomes to be delivered. The awarding of grants by the Council or on behalf of the Council must be carried out under the principles of openness, fairness, non-discrimination and value for money. Officers cannot choose to treat procurement as a grant in order to avoid conducting a competitive process.

- Contracts for the execution of either mandatory works or provision of goods or services which must be provided by Statutory Provider other than the Council. This includes but is not limited to public utility companies and other legal authorities.

10.0 **Contract Management**

10.1 Contract Management

- The named Contract Manager should be noted in the Contract Register. All contracts must have a named Contract Manager for the entirety of the contract and that Contract Manager is responsible for the application of these Rules.
- For all contracts valued over £50,000, the Contract Manager must identify the risks by maintaining a suitable risk register and ensure that suitable contingency measures are in place.
- During the life of the contract, the Contract Manager must monitor the overall performance of the contract closely in order to ensure any issues of under performance are addressed as soon as possible and any areas of added value are identified as soon as possible.

10.2 Variation

- In any case where a variation means that the value of a contract would exceed the relevant EU Threshold, or where there is any material change to the contract, the contract must be treated as a new procurement under these Rules.

- A material change is one which

    - Would have allowed the admission of other Bidders or the acceptance or another tender; or
    - Extends the scope of the contract considerably to goods, services or works not initially covered by the Specification; or
    - Changes the economic balance in favour of the contractor in a manner not provided for in the procurement documents

- For clarity, a change will be deemed immaterial if the value of the modification is both below the relevant EU Threshold and below 10 % of the original contract value (15% for works contracts).

10.3 Extension

- A contract should not be extended beyond its initial term unless the contract documents allow.
- A Framework Agreement shall only be extended if the contract documents and framework allow and the original term and extension together should not exceed four years except in exceptional circumstances.
- Where a business need has been identified which means that a contract is required to be extended beyond the term permissible in the original contract

documents, advice must be sought from Welland Procurement in the first instance and authority sought from the Monitoring Officer or the S151 Officer if such an extension is proposed.

- The Officer must be satisfied that such an extension would achieve value for money and be reasonable in all circumstances. The Officer must record the reasons for these conclusions in writing (i.e. the relevant decision record).

11.0 Appendix 1: Definitions

11.1

Award Notice	A notice published on OJEU and/or Contracts Finder which provides details of the winning bidder and the final value of the contract. Award notices are required for all procurements valued over £25,000
Bidder	An individual or organisation who submits a tender or quotation in a competitive procurement process
Contracting Authority	Has the definition contained within the Public Contract Regulations 2015. It means the State, regional or local authorities, bodies governed by public law or associations formed by one or more such authorities or one or more such bodies governed by public law, and includes central government authorities, but does not include Her Majesty in her private capacity
Contract management	Is the process of managing contract creation, execution and analysis to maximize operational and financial performance at an organization, all while reducing financial risk.
Contract term	Is the length of the contract including the initial term and any extension periods proposed.
Corporate Contract	A contract that has already been let by the Council
Dynamic Purchasing System (DPS)	Is similar to an electronic framework agreement, with two exceptions, new suppliers can join at any time and it is to be run as a completely electronic process.
EU Procedure	A procurement process over the relevant EU Threshold and so governed by EU procurement regulations as defined within the Public Contract Regulations 2015
EU Threshold	The threshold established by the EU above which an EU procedure must be carried out. There are thresholds for goods/services, works and concessions. The current threshold is contained within Appendix 2.
Evaluation	The process of assessing received tenders or quotations against the published criteria to identify the winning bidder, i.e. the bidder with the highest evaluation score.
Extension (contract)	An additional period identified within the contract, beyond the initial term which may be used to lengthen the contract term.
Framework Agreement	A framework is an agreement with suppliers to establish terms governing contracts that may be awarded during the life of the agreement. It is a general term for agreements that set out terms and conditions for making specific purchases (call-offs).
Goods	Tangible products that satisfy a need

Initial Term	The initial period of a contract which may be subsequently extended
OJEU	The Official Journal of the European Union
Procurement	Procurement is the process of finding, agreeing terms and acquiring goods, services or works from an external source, often via a tendering or competitive bidding process.
Publicly available contract	A contract that has been let by another Contracting Authority and which is available for use by the Council. The Council must have been named specifically or generally within the procurement documentation in order to enable access.
Quotation	A formal statement setting out the estimated cost for a particular job or service.
Services	A valuable action, deed, or effort performed to satisfy a need or to fulfil a demand.
Specification	An exact statement of the particular needs to be satisfied, or essential characteristics that a customer requires (in a good, material, method, process, service, system, or work) and which a bidder must deliver.
Standard Suitability Questions/Questionnaire	The set of standard suitability or selection questions referred to in PPN 08/16 which must be used in all advertised procurements.
Tender	A written invitation sent to potential suppliers of a good or service to inform them about the information required for the buyer to choose between them.
Terms and Conditions	General and special arrangements, provisions, requirements, rules, specifications, and standards that form an integral part of an agreement or contract.
TUPE	Stands for the Transfer of Undertakings (Protection of Employment) Regulations. This is relevant to any redundancy decisions where a business or part of it is transferred from one owner to another
Variation	Is an alteration to the scope, term or any other part of a Contract. The limitations of the Public Contract Regulations 2015 should be borne in mind when varying a contract.
Whole life costs	The total cost of ownership over the whole length of the contract and sometimes beyond.
Works	As defined by the Public Contract Regulations 2015. Means public contracts which have as their object any of the following:— (a) the execution, or both the design and execution, of works related to one of the activities listed in Schedule 2; (b) the execution, or both the design and execution, of a work; (c) the realisation, by whatever means, of a work corresponding to the requirements specified by the contracting authority exercising a decisive influence on the type or design of the work

11.2 **Appendix 2: Variable Information**

The following information is subject to change during the currency of these Contract Procedure Rules and may be updated as changes occur by the relevant Chief Officer.

EU Thresholds

From 1st January 2018 to 31st December 2019, the EU Thresholds are:

Goods and services: £181,302

Works: £4,551,413

Concessions: £4,551,412

Light Touch Regime: £615,278

Welland Procurement

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Procurement Toolkit: www.wellandprocurement.org.uk

11.3 Appendix 3: Approval Forms

See Officer Decision Record template or Executive Decision Record Template

12.0 **Appendix 4 - Quick Reference Guide: Contract Procedure Rules**

Value of Procurement	Notices Required	Authority	Procurement Method	Value of Procurement
Under £10,000	None	Decision to procure is required before procurement commences (Record of Decision / Committee). and: Decision to award must be obtained before contract is awarded (Record of Decision / Committee).	At least **one written quotation** required including: • Description of goods / works / services • When & where • Value & Payment Terms (CPR rule 4.1)	**Under £10,000**
Between £10,000 and £49,999	None however if advertised or tendered, then contact the Welland Procurement Unit for guidance.	Decision to procure is required before procurement commences (Record of Decision/ Committee). and: Decision to award must be obtained before contract is awarded (Record of Decision/Committee).	At least **3 quotations** should be sought using RFQ template with one supplier being local. (CPR rule 5) All contracts above £25,000 must be referred to Welland Procurement for an award notice submitted via Contracts Finder to be issued.	**Between £10,000 and £49,999**
Goods and Services Between £50,000 and EU Goods/Services	Advertising and award notices. See Rule 6	Decision to procure is required before procurement commences (EDR/Committee).	**Welland Procurement** must be instructed. A single stage (open) tender is required. Tenders at this level are run via Welland Procurement's E	Finance process: Purchase Orders for this amount can only be authorised by a

Threshold		and: Decision to award must be obtained before contract is awarded (EDR/Committee).	tendering system All contracts above £25,000 must be referred to Welland Procurement for an award notice submitted via Contracts Finder to be issued. (CPR rule 6)	Director in accordance with the Budget and Policy Framework. <u>Legal Process:</u> Contract must be signed or sealed (see below) Procurements valued above £25,000 are subject to The Public Contracts Regulations 2015 and Transparency Regulations and will need to be entered on to the Council's Contracts Register and Contracts Finder. The process should be advertised and awarded via Contracts Finder through Welland Procurement.

Works Between EU Goods/Services Threshold and Works OJEU Threshold		Decision to procure is required before procurement commences (EDR/Committee). and: Decision to award must be obtained before contract is awarded (EDR/Committee).	**Welland Procurement** must be instructed. A single stage (open) tender or two stage /restricted process can be adopted. Tenders at this level are run via Welland Procurement's E tendering system Must be advertised on Contracts Finder (CPR rule 7) All contracts for this threshold must be on the Contracts Register and advertised and awarded through Contracts Finder.	Welland Procurement Unit must undertake this type of procurement <u>Finance process:</u> Purchase Orders for this amount can only be authorised by a Director in accordance with the Budget and Policy Framework. <u>Legal Process:</u> Contract must be signed or sealed (see below) Procurements valued above £25,000 are subject to The Public Contracts Regulations 2015 and Transparency Regulations and will need to be entered on to the

				Council's Contracts Register and Contracts Finder.
Goods and Services Between £50,000 and EU Goods/Services Threshold	Advertising and award notices. See Rule 6	Decision to procure is required before procurement commences (EDR/Committee). and: Decision to award must be obtained before contract is awarded (EDR/Committee).	**Welland Procurement** must be instructed. A single stage (open) tender is required. Tenders at this level are run via Welland Procurement's E tendering system All contracts above £25,000 must be referred to Welland Procurement for an award notice submitted via Contracts Finder to be issued. (CPR rule 6)	<u>Finance process:</u> Purchase Orders for this amount can only be authorised by a Director in accordance with the Budget and Policy Framework. <u>Legal Process:</u> Contract must be signed or sealed (see below) Procurements valued above £25,000 are subject to The Public Contracts Regulations 2015 and Transparency Regulations and will need to be entered on to the Council's

				Contracts Register and Contracts Finder. The process should be advertised and awarded via Contracts Finder through Welland Procurement.
Over relevant EU Threshold	OJEU Advertising and Award notices.	Decision to procure is required before procurement commences (EDR/Committee). and: Decision to award must be obtained before contract is awarded (EDR/Committee).	A method defined by EU Procurement Regulations. Tenders at this level are run via Welland Procurement's E tendering system (CPR rule 8) All contracts for this threshold must be on the Contracts Register and advertised and awarded via OJEU and Contracts Register.	Welland Procurement Unit must undertake this type of procurement <u>Finance process:</u> Purchase Orders for this amount can only be authorised by a Director in accordance with the Budget and Policy Framework. <u>Legal Process:</u> Contract must be signed or sealed (see below)

				Procurements valued above £25,000 are subject to The Public Contracts Regulations 2015 and Transparency Regulations and will need to be entered on to the Council's Contracts Register and Contracts Finder.
Light Touch Regime	OJEU Advertising and Award notices.	Decision to procure is required before procurement commences (EDR/Committee). and: Decision to award must be obtained before contract is awarded (EDR/Committee).	A method defined by EU Procurement Regulations. Tenders at this level are run via Welland Procurement's E tendering system (CPR rule 8) All contracts for this threshold must be on the Contracts Register and advertised and awarded via OJEU and Contracts Register.	Welland Procurement Unit must undertake this type of procurement <u>Finance process:</u> Purchase Orders for this amount can only be authorised by a Director in accordance with the Budget and Policy Framework.

				Legal Process: Contract must be signed or sealed (see below) Procurements valued above £25,000 are subject to The Public Contracts Regulations 2015 and Transparency Regulations and will need to be entered on to the Council's Contracts Register and Contracts Finder.

13.0 **Appendix 5 - Agreements must be signed / completed as follows**

TOTAL VALUE	METHOD OF COMPLETION	BY	TOTAL VALUE	METHOD OF COMPLETION
Up to £10,000	**Signature** Use of Purchase Order (or Written Contract for complex requirements) with Standard Purchase	Officer with appropriate authority to enter into a contract: SLT (**Relevant Director**) **Note**: See sealing	Up to £10,000	**Signature** Use of Purchase Order (or Written Contract for complex requirements)

	Order T's and C's	requirements below		with Standard Purchase Order T's and C's
Over £10,000 and up to £49,999	**Signature** Use of Purchase Order, or Written Contract for complex requirements Standard T's and C's (Short Form)	Officer with appropriate authority to enter into a contract: SLT (**Relevant Director**) **Note**: See sealing requirements below	Over £10,000 and up to £49,999	**Signature** Use of Purchase Order, or Written Contract for complex requirements Standard T's and C's (Short Form)
Over £50,000 and up to EU Threshold	**Sealing** Standard T's and C's (Long Form/Bespoke)	Contract must be sealed (CPR rule 10) **Note**: See sealing requirements below	Over £50,000 and up to EU Threshold	**Sealing** Standard T's and C's (Long Form/Bespoke)
Contracts for **sealing**	**Sealing**	The contract should be sealed if (Rule 10):) is over £50,000 l is to be enforced for 12+yrs after following expiry (land, construction works); or 2 has a bond; 3 the price paid is	Contracts for **sealing**	**Sealing**

		nominal and does not reflect the level or value of the goods or services; or in the opinion of the Director of Law & Governance should be sealed;		