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## **PART 1**

### **Summary and Explanation**

## **SUMMARY AND EXPLANATION**

### **1. The Council's Constitution**

The Stevenage Borough Council has a Constitution that sets out how the Council operates, how decisions are made and the procedures that are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

The Constitution is divided into 14 articles that set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

### **2. What's in the Constitution?**

Article 1 of the Constitution commits the Council to providing Community Leadership, supporting the involvement of citizens in decision-making and other essential elements.

Articles 2 – 14 explain the rights of citizens and how the key parts of the Council operate.

These are:

- Members of the Council (Article 2)
- Citizens and the Council (Article 3)
- The Council (Article 4)
- The Mayor and Youth Mayor (Article 5)
- Scrutiny (Article 6)
- The Executive (Article 7)
- The Standards Committee, Regulatory and other Committees (Article 8)
- Joint Arrangements and Joint Committees (Article 9)
- Officers (Article 10)
- Decision making (Article 11)
- Finance, contracts and legal matters (Article 12)
- Monitoring and Revision of the Constitution (Article 13)
- Suspension, interpretation and publication of the Constitution (Article 14)

### **3. How the Council operates**

The Council is composed of 39 councillors elected every four years with one third elected three years in four. Councillors are democratically accountable to residents of their ward. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Standards Committee is responsible for training and advising them on the Code of Conduct.

All Councillors meet together as the Council. Meetings of the Council are normally open to the public. Here Councillors decide the Council's overall policies and set the budget each year.

Every four years the Council appoints the Leader, who then appoints a Deputy Leader and an Executive of between 2 and 9 councillors and allocates to them specific areas of responsibility (Portfolios). Non-Executive business is decided upon by Committees which are appointed by Council each year.

The Council meetings incorporate a number of special features:

- Leader of the Council's update
- Petitions and deputations from local people
- Questions from the Youth Council
- Questions from local people
- Councillors' questions to Executive Members or Chairs of Committees
- A main debate on a matter of local interest, with the opportunity for local people to participate

#### **4. How Decisions are Made**

The Leader and the Executive are the main decision making bodies of the Council. When major decisions are to be discussed or made, these are published in the Leader's forward plan in so far as they can be anticipated.

Decision-making meetings of the Executive will generally be open for the public to attend except where personal or confidential matters are being discussed (matters referred to as 'confidential information' or 'exempt information' under the Local Government Act 1972 and as defined in the Access to Information rules in Part 4 of this Constitution).

The Leader / Executive has to make decisions which are in line with the Council's overall policies and budget. If a decision is to be taken that is outside the budget or policy framework, then, unless the Council has given the Leader / Executive some discretion in this respect, the proposed decision must be referred to the Council as a whole to decide.

Executive decisions may also be made by its Committees in accordance with their terms of reference, individual Members through the Local Community Budgets, and individual members and officers where such decisions have been delegated to them.

## **5. Overview and Scrutiny**

There is an Overview and Scrutiny Committee and 2 Select Committees that support the work of the Leader / Executive and the Council as a whole. The Committees undertake scrutiny studies of aspects of the Council's services and contribute to the development of individual policies and strategies. This work may lead to reports and recommendations which advise the Leader / Executive and the Council as a whole on its policies, budget and service delivery. The Overview and Scrutiny Committee also monitors Executive decisions taken. They can call-in an Executive decision which has been made but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Leader / Executive reconsider the decision.

## **6. The Council's Staff**

The Council has people working for it (called officers) to give professional advice, implement decisions, manage and action the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A code of practice governs the relationships between officers and members of the Council.

## **7. Citizens' Rights**

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own process.

Where members of the public use specific council services, for example as a council tenant, they have additional rights. These are not covered in this Constitution.

The Council welcomes participation by its citizens in its work. The Access to Information Rules set out in Part 4 of this Constitution sets out the citizens' rights to access meetings and papers.

## **PART 2**

## **Articles**

## **1. ARTICLE 1 – THE CONSTITUTION**

### **1.1 Powers of the Council**

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

### **1.2 The Objectives**

This Constitution seeks to achieve the following broad objectives:

- Clear decision making
- Transparency about who makes decisions
- Inclusive decision making and consensus
- A focus for community leadership
- Effective and efficient use of resources

### **1.3 The General Principles**

To achieve these objectives the Constitution is based on the following general principles:

Openness – being open about the decisions and actions that the Council takes

Responsiveness – listening to all sections of the local community and finding a balance that will best meet local needs and aspirations

Representation – enabling the Council to act in the interests of the whole community that it serves

Stewardship – ensuring the Council uses its resources prudently and lawfully

Integrity – enabling Councillors and staff to act in accordance with the highest ethical standards

It further aims to:

- Enable the Council to work in partnership with residents and local organisations. Where able, to promote community empowerment and where necessary taking the leading role
- Support the active involvement of all citizens in the democratic process
- Help Councillors represent their constituents more effectively
- Create a clear and effective means of holding decision-makers

to public account

- Ensure that no one will review or scrutinise a decision in which they were directly involved
- Ensure that those responsible for decision making are clearly identifiable and that they explain the reasons for decisions; and
- Provide a means of improving the delivery of services

#### **1.4 Interpretation and Review of the Constitution**

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to achieving the objectives and the purposes stated above.

Other than minor and consequential changes, all revisions to the Constitution will be submitted to Council for approval in accordance with Article 14.

## **ARTICLE 2 – MEMBERS OF THE COUNCIL**

### **2.1 Composition and eligibility**

- a. Composition** - The Council comprises 39 members, otherwise called Councillors. Each of the 13 wards of the Borough has three Councillors elected by the voters of that ward.
- b. Eligibility** - Only registered voters of the Borough or those who, for the preceding 12 months have owned land, worked or resided within the borough will be eligible to hold the office of Councillor.

### **2.2 Election and Term of Office**

Unless directed by Parliament, the ordinary election of a third (one per ward) of all Councillors will be held on the first Thursday in May each year, except that in 2021 and every fourth year thereafter, there will be no regular election. The term of office of Councillors is four years starting on the fourth day after being elected and finishing on the fourth day after the date of the regular election four years later.

### **2.3 The role of Councillors**

All Councillors will:

- Collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions
- Contribute to the good governance of the area and actively encourage partnership working, community participation and citizen involvement in decision making
- Represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities
- Deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances
- Respond to constituents' enquiries and representations, fairly and impartially
- Balance different interests identified within the ward and represent the ward as a whole
- Participate in the governance and management of the Council
- Be involved in decision-making
- Be available to represent the Council on other bodies; and

- Maintain the highest standards of conduct and ethics.

## **2.4 Rights and duties**

- a. Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law. However, a member of the Council shall not visit any Council depot or workplace (other than the Council offices or an enquiry office) without arrangement with the appropriate senior officer. This rule shall not stop a member of the Executive or the Chair of a Committee from making general arrangements with the appropriate Strategic Director or Chief Executive to visit places for which his/her Committee is responsible or which falls within an Executive Member's portfolio.
- b. Councillors will not make public information which is confidential or without the consent of the Council; or divulge information given in confidence, to anyone other than a councillor or officer entitled to know it except with the consent of the person providing the information.
- c. For these purposes 'confidential' and 'exempt' information are defined in the Access to Information Rules set out in Part 4 of this Constitution.

## **2.5 Conduct**

Councillors will at all times observe the Members' Code of Conduct and the Protocol on Member/Officer Relations set out in Part 5 of this Constitution.

## **2.6 Members' Allowances**

Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 6 of this Constitution.

## **2.7 Information about Councillors, etc.**

Current information regarding the individual persons elected to the Council, together with details of the memberships of the Executive and/or Council committees, etc. may be found on the Council's website or on request from the Constitutional Services Manager.

## **ARTICLE 3 – CITIZENS AND THE COUNCIL**

### **3.1 Citizens' rights**

Citizens have the following rights:

- Vote at local elections if they are registered
- Petition to request a referendum on a mayoral form of Executive
- Contact their local councillor about any matters of concern to them
- Attend meetings of the Council, the Executive and Council Committees except where, for example, personal or confidential matters are being discussed
- Record and or photograph proceedings at Council meeting where the public may attend
- Participate in those parts of the Council meeting and other meetings which provide for public participation and, subject to the relevant Council arrangements, contribute to investigations by the overview and scrutiny committees
- Find out, from the Forward Plan, when major decisions are to be discussed by the Executive or decided by the Executive or officers, and when
- Find out, from the Forward Plan, what decisions the Executive will be taking in private
- See reports and background papers, and any record of decision made by the Council and Executive, except where they include personal or confidential matters
- Access information under the Freedom of Information Act 2000 and Environmental Information Regulations 2004
- Inspect the Council's accounts and make their views known to the external auditor
- Submit a Petition in accordance with the Council's Petition Scheme
- Complain to the Council about any matter which falls within its responsibility in accordance with the Council's complaints procedure (available from Council offices)

- Complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process
- Complain to the Monitoring Officer about a breach of the Councillors' Code of Conduct; and
- Complain to the Information Commissioner concerning access to information.

### **3.2 Citizens' responsibilities**

Citizens must not be violent, abusive or threatening to Councillors or officers and must not wilfully harm things owned by the Council, Councillors or officers.

## ARTICLE 4 – THE COUNCIL

### 4.1 Meanings

#### a. Policy Framework

The policy framework means the following plans and strategies:

- Sustainable Community Strategy
- All plans and strategies which together comprise the Local Development Framework
- Corporate Plan
- The Community Safety Strategy

**b. Budget.** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Statement of Accounts, setting the council tax, the Council Tax Support Scheme and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

**c. Housing Land Transfer.** Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

### 4.2 Functions of the Council

Only the Council will exercise the following functions, except that matters may be dealt with via the approved urgency procedure provided they are not reserved to the Council by law:

- a. Electing a Mayor and Deputy Mayor.
- b. Electing the Leader for a 4 year term or removing that person from office.
- c. Appointing a Leader of the Opposition. Appointing committees as required by law or as otherwise appropriate, agreeing terms of reference, composition and electing Chairs to those Committees.
- d. Appointing a Youth Mayor.
- e. Adopting and changing the Constitution, including the Scheme of Delegation in so far as it relates to non-Executive functions, Standing Orders and Contract Standing Orders and Financial Regulations, other than where factual information requires updating;

- f. Approving or adopting the policy framework, the budget (General Fund and Housing Revenue Account), as set out above and any application to the Secretary of State in respect of any Housing Land Transfer;
- g. Subject to the urgency procedure contained in the Budget and Policy Framework Rules in Part 4 of this Constitution, and to any discretion granted by the Council to the decision makers, making decisions about any matter in the discharge of an Executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;
- h. Adopting a Members' Allowances Scheme;
- i. Conferring the titles of Honorary Freeman of the Borough and Honorary Alderman;
- j. Functions relating to the name/status of the area, (under Section 74 of the 1972 Act);
- k. Appointing and dismissing the Chief Executive; making arrangements for the selection/appointment of the Head of the Paid Service (via a Committee of the Council), Strategic Directors, other Proper Officers, as appropriate and the Council's Electoral Registration Officer and Returning Officer;
- l. Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- m. Accepting a delegation from another Local Authority;
- n. Considering and deciding upon action to be taken in relation to statutory reports of the Monitoring Officer, Chief Finance Officer and Head of Paid Service;
- o. Establishing a new civic link;
- p. Determination of an overall borrowing limit under Section 45 of the Local Government and Housing Act 1989;
- q. Approving local lotteries;
- r. Decisions on matters referred from or via the Executive, the Overview and Scrutiny Committee, Select Committees or Standards Committee, where able to do so;

- s. Considering Ombudsman reports and deciding upon action to be taken where there has been a finding of maladministration with injustice, and, to make payments or provide other benefits in cases of maladministration, etc. where this is not delegated to the officers;
- t. Performing 'local choice functions' as set out in Part 3 of this Constitution that Council decides should be undertaken by itself rather than the Executive;
- u. Taking decisions in respect of Council functions which have not been delegated by the Council to Committees or officers;
- v. Those relating to elections and Electoral Registration (except insofar as they are the responsibility of, or have been delegated to, the Electoral Registration Officer or Returning Officer);
- w. The appointment of review boards under regulations under subsection (4) of Section 34 (determination of claims and reviews) of the Social Security Act 1998; and
- x. Dealing with all other matters which by law must be reserved to Council.

#### **4.3 Council meetings**

Council meetings are conducted in accordance with the Council's Standing Orders, as shown in Part 4 of the Council's Constitution.

#### **4.4 Responsibility for functions**

Part 3 of the Council's Constitution sets out the responsibilities for the Council's functions which are not the responsibility of the Leader/Executive .

Officers of the Council may carry out functions on behalf of the Council subject to the Scheme of Delegation set out at Part 3.

## **ARTICLE 5 – THE MAYOR AND YOUTH MAYOR**

### **5.1 Role and function of the Mayor**

The Mayor and in his/her absence the Deputy Mayor will have the following roles and functions:

#### **a. Ceremonial Role**

The Mayor will have an extensive ceremonial role in accordance with traditions established since the town became a Borough in 1974, and will attend such civic ceremonial functions as the Council and he/she determines appropriate.

#### **b. Chairing the Council**

The Mayor will be elected by the Council annually. The Mayor will have the following responsibilities:

- (i) preside at meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
- (ii) to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
- (iii) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not on the Executive are able to hold the Executive to account;
- (iv) to promote public involvement in the Council's activities;
- (v) to be the conscience of the Council.

### **5.2 Role and Protocol for the Youth Mayor**

The Youth Mayor must be a Stevenage resident and is appointed following receipt of a nomination from the Stevenage Youth Council. Stevenage Borough Council has no role in her/his election but formally appoints to the position in line with the nomination received and presents a Chain of Office at its Annual Council Meeting.

The term of office for the Youth Mayor is based on the Borough Council's Municipal Year.

The role of the Youth Mayor is summarised as follows –

- To be the public face of young people of Stevenage

- To attend Council meetings as representative of the Youth Council and may be accompanied by another member of the Youth Council
- To attend Civic Events e.g. the Community Reception, the Civic Service, the Service of Remembrance
- On occasion to accompany the Mayor/Deputy Mayor at youth orientated Mayoral engagements in Stevenage (as advised)
- To direct expenditure of the Local Youth Budget for youth orientated projects and activities in Stevenage
- To assist the Borough Council in establishing closer links with the Stevenage Youth Council
- To be a standing invitee to meetings of the Community Select Committee

The Youth Mayor is not empowered to make decisions on behalf of or affecting the Stevenage Borough Council or Stevenage Youth Council.

The Youth Mayor must not make any public statement which might be taken to represent the views of Stevenage Borough Council, Stevenage Youth Council, its Members or Officers employed by it.

Any public and media communications (including Facebook, Twitter etc.) must be via the Council's Communications Team.

The Youth Mayor will comply with such requirements as to Health & Safety as may be given to him/her by any officer of the Council.

The Youth Mayor will have regard to the promotion of the good reputation of the Stevenage Youth Council and Stevenage Borough Council at all times.

## **ARTICLE 6 – SCRUTINY**

### **6.1 Legislative Responsibility**

The Council appoints an Overview and Scrutiny Committee and two Select Committees to discharge the functions conferred by section 21 of the Local Government Act 2000 or regulations under section 32 of the Local Government Act 2000, functions conferred by sections 119 and 126 of the Local Government and Public Involvement in Health Act 2007, and Section 19 of the Police and Justice Act 2006. The terms of reference of the Committees are set out at Part 3 of this Constitution.

### **6.2 Membership**

No member of the Executive shall serve on a Scrutiny Committee (a generic term covering the Overview & Scrutiny Committee and the Select Committees). Details of the current membership of the Committees, their Chairs and Vice-Chairs and terms of reference may be found later in this Constitution, on the Council's website or be provided on request to the Constitutional Services Manager.

### **6.3 Annual Report**

The Scrutiny Committees will make a report to Council on their activities at least once a year.

### **6.4 Scrutiny Procedures**

Details of the procedures relating to Scrutiny are set out at Section 4 of this Constitution.

## **ARTICLE 7 – THE EXECUTIVE**

### **7.1 Purpose**

The Leader appoints the Executive to carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution. Its terms of reference are set out in Part 3 of this Constitution.

### **7.2 Composition**

The Leader determines the number of Councillors on the Executive (between two and nine Members excluding the Leader). The Executive and any of its Committees do not have to be politically balanced.

### **7.3 The Leader of the Council**

The Leader of the Council is appointed at the relevant Annual Council meeting for a four year term unless he or she is removed from office, or is disqualified or ceases to be a Councillor.

### **7.4 Executive Members**

The Leader appoints between 2 and 9 Councillors the Members of the Executive and allocates specific areas of responsibility (portfolios) to them. The Executive Members so appointed shall hold office for the Municipal Year unless he or she is removed from office by the Leader, or is disqualified or ceases to be a Councillor. There are no co-optees and no deputies or substitutes for Executive Members.

### **7.5 The Deputy Leader**

The Leader appoints a Deputy Leader from the Executive Members whose term of office will be same as the Leader's save that the Leader can replace the Deputy at any time. The Deputy Leader will exercise all the powers of the Leader in her/his absence.

### **7.6 Proceedings of the Executive**

The procedures applicable to Executive are set out at Part 4 of this Constitution.

### **7.7 Executive Portfolios and Other Delegations**

The Leader decides what type of Executive portfolios will exist and how they will be allocated and also determines the scheme of delegation for the discharge of executive functions. The proper officer maintains a list, in Part 3 of this Constitution, setting out which individual members of the Executive are responsible for the exercise of particular executive functions (Executive Portfolios).

## **ARTICLE 8 – THE STANDARDS COMMITTEE, REGULATORY AND OTHER COMMITTEES**

### **8.1 Standards Committee**

Although the Council is no longer required to establish a Standards Committee (Localism Act 2011) this Council decided to retain the Standards Committee as a normal Committee of the Council, to deal with Standards issues and case-work. The Terms of Reference of the Standards Committee are set out at Part 3 of this Constitution.

### **8.2 Regulatory Committees**

The Council appoints the following regulatory Committees to undertake a number of its statutory and other duties not delegated to officers:

- Planning & Development Committee
- Licensing Committee
- General Purposes Committee

The terms of reference of these Committees are set out at Part 3 of this Constitution.

### **8.3 Audit Committee**

The Audit Committee is appointed as an Advisory Committee to the Council.

The terms of reference of the Committee are set out at Part 3 of this Constitution.

The Chair of the Committee must be neither a member of the Executive nor who serves as a Scrutiny member. There must also be one member of the Executive and at least one Member who serves on a Scrutiny Committee. The Council also appoints an Independent person (non-elected) to serve in a non-voting capacity.

### **8.4 Appointments Committee**

The Council appoints an Appointments Committee to recommend the appointment and dismissal of the Chief Executive and appoint Strategic Directors, subject to the requirements of the Local Government Act 2000, Local Authorities (Standing Orders) (England) Regulations 2001, and the Officer Employment Rules contained in the Constitution.

The terms of reference of the Appointments Committee are set out at Part 3 of this Constitution.

## **8.5 Public Participation**

At meetings of the Planning and Development Committee the Chair will first invite an objector (in pre-arranged exceptional circumstances more than one objector), and then the applicant (or agent or supporter), to address the Committee on the planning issues of an application for a maximum of three minutes each; there being no right for objectors or applicants to question members or officers nor any right of reply by objector or applicants. An applicant (agent or supporter) will only be allowed to speak if there has first been an objector speaking.

The Licensing and General Purposes also allow applicants / objectors to address the Committee as appropriate.

## **ARTICLE 9 – JOINT ARRANGEMENTS AND JOINT COMMITTEES**

### **9.1 Arrangements to promote well being**

In order to promote the economic, social or environmental well being of the area, the Council and the Executive may establish joint arrangements with one or more authorities to exercise their functions.

Wherever possible the Council and the Executive will delegate decision making and operational aspects of any joint arrangements to officers, although joint working arrangements may involve establishing Joint Committees with the other participating authorities.

Additionally, joint working arrangements may also be established with representatives of staff.

### **9.2 Non-Executive functions**

There are currently no Joint Council (non-Executive) Committees.

### **9.3 Executive Functions – CCTV Partnership Joint Executive Committee/Joint Executive Revenues and Benefits Shared Service Committee**

The Executive, working jointly with North and East Hertfordshire and Hertsmeire District Councils, has established a CCTV Partnership Joint Executive Committee. The terms of reference of this Joint Committee are set out in Part 3 of this Constitution.

The SBC membership includes the Executive Portfolio Holder with responsibility for Community Safety. The meetings are chaired by the Lead Member of the Authority that hosts the meeting.

The Executives of Stevenage and East Herts. Councils have also established a Joint Executive Revenues and Benefits Shared Service Committees to oversee the shared service working for Revenues and Benefits. The Committee includes the Executive Portfolio Holder for Resources. The position of Chair is to be held one year by the Lead Member for East Herts. Council, with the Lead Member for Stevenage serving as Vice-Chair. These positions are to be rotated annually between the two Councils.

### **9.4 Arrangements with other local authorities**

The Council may make arrangements for other local authorities to perform non-executive functions on its behalf. The Leader may delegate Executive functions to another local authority or its Executive as appropriate.

The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council (non-Executive functions) or the Leader (Executive functions).

## **9.5 Contracting out**

Council and the Leader / Executive, as appropriate, may contract out functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994 and other legislation, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

## ARTICLE 10 – OFFICERS

### 10.1 Appointments of Staff

Appointment of staff cannot be the responsibility of the Leader / Executive and as detailed at Article 4 the Council is responsible for the Appointment of the Chief Executive, Head of Paid Service, Proper Officers, Strategic Directors (one of whom is designated Deputy Chief Executive), the Electoral Registration Officer and the Returning Officer. Appointment of staff below Strategic Director level must be the responsibility of the Head of Paid Service or their nominee.

### 10.2 Functions of the Head of Paid Service

- a. **Discharge of functions by the Council.** The Head of Paid Service will report to Council, as appropriate, on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- b. **Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer, but may hold the post of Chief Finance Officer, if a qualified accountant.

### 10.3 Officer Structure

A Strategic Leadership Team (SLT), comprising the Chief Executive, Strategic Directors and Assistant Directors advises Council and the Leader and Executive in its strategic leadership role and leads, directs and manages the organisation overall to achieve the Council's ambitions and key objectives.

Operational management is the responsibility of a number of Assistant Directors, each with their own Service Delivery Unit with specific responsibilities for delivering direct or support services within the overall direction and leadership of the Chief Executive and Strategic Directors.

The Head of Paid Service will maintain a description of the overall officer organisational structure of the Council at Part 7 of this Constitution.

### 10.4 Functions of the Monitoring Officer

- a. **Maintaining the Constitution.** The Monitoring Officer is responsible for maintaining the Constitution and ensuring that members, staff and the public may have easy access.
- b. **Ensuring lawfulness and fairness of decision making.** After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the Council or to the Executive, as appropriate, if he or she considers that any proposal, decision or

omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

- c. **Supporting the Standards Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- d. **Proper officer for access to information.** The Monitoring Officer will ensure that executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- e. **Advising whether Executive decisions are within the budget and policy framework.** The Monitoring Officer will advise whether decisions of the Leader/Executive are in accordance with the budget and policy framework.
- f. **Providing advice.** The Monitoring Officer will provide advice on the Code of Conduct, probity and maladministration and whether executive decisions are within the budget and policy framework.
- g. **Conducting investigations.** The Monitoring Officer is responsible for consulting with the appointed Independent Person on alleged breaches of the Councillors Code of Conduct and where required conduct an investigation.
- h. **Public disclosure of information.** Under Section 36 of the Freedom of Information Act 2000 the Monitoring Officer is designated as the person for determining whether the public disclosure of information should be withheld as likely to prejudice the conduct of public affairs.

## 10.5 Functions of the Chief Finance Officer

- a. **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the Council or to the Leader/Executive (in relation to an executive function) and the Council's external auditor, if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- b. **Administration of financial affairs.** The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.
- c. **Contributing to corporate management.** The Chief Finance Officer will contribute to the corporate management of the Council, in

particular through the provision of professional financial advice.

- d. Providing advice.** The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors, and will support and advise councillors and officers in their respective roles.
- e. Give financial information.** The Chief Finance Officer will provide financial information to the media, members of the public and the community, where appropriate.

#### **10.6 Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer**

The Council has a duty to provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

#### **10.7 Employment and Conduct**

The recruitment, selection and dismissal of officers must comply with the Officer Employment Rules set out in Part 4 of this Constitution.

Officers must comply with the Officers Code of Conduct and the Protocol on Officer/Member Relations set out in Part 5 of this Constitution.

## **ARTICLE 11 – DECISION MAKING**

### **11.1 Responsibility for decision making**

Part 3 of this Constitution sets out who is responsible for particular types of decisions or decisions relating to particular services or functions.

### **11.2 Principles of decision making**

Whenever a decision is taken, be it by Council, the Executive, a Committee or an individual member or officer, the following principles must be applied:

- a. The action must be proportionate to the desired outcome;
- b. Professional advice from officers must be taken into account;
- c. There must be consultation where, and to the extent appropriate;
- d. Human rights must be respected;
- e. The process must be as open as possible; and
- f. The aims and desired outcomes must be clear.

### **11.3 Decisions taken by Council**

The Council makes decisions relating to those matters reserved to it, as set out at Article 4.2 that are not otherwise delegated. The rules of procedure, as set out in Part 4 of this Constitution must be followed.

The Chief Executive must arrange for notes to be taken of Council meetings and the decisions recorded, together with details of which members were in attendance. This information must be produced in the formal Minutes that are submitted to a subsequent meeting for approval.

### **11.4 Executive Decisions**

Executive decisions may be 'Key' or 'Non-Key'. The definition of a Key Decision is as follows:

A key decision means an executive decision which is likely to be significant in terms of its effects on communities living or working in an area comprising two or more wards of the borough; or to result in the local authority incurring significant expenditure or making savings which makes an impact on the Council's agreed budget for the service or function to which the decision relates.

The Council has determined that for Key Decisions, 'significant' means expenditure or savings exceeding £75,000 that has not already been

accounted for in the Council's budget, excluding any of the following:

- a. Decisions relating to borrowing and investment within the Council's treasury management strategy;
- b. Decisions relating to the engagement and payment of staff, unless the Chief Executive determines otherwise;
- c. Decisions relating to the sale and purchase of land or property below £250,000; and
- d. Decisions relating to the acquisition of goods, services or works where provision has been made within the budget, and which are to be in accordance with existing Council policy, Contract Standing Orders and Financial Regulations, and where the cost does not exceed £250,000.

Other than in exceptional cases, notification that a Key Decision is to be taken must be included in the 'Forward Plan of Key Decisions' published at least 28 clear days before the decision is to be taken (see Access to Information Rules at Part 4 of this Constitution).

A decision taker may only make a key decision in accordance with the requirements of the Executive Procedure Rules set out in Part 4 of this Constitution.

### **11.5 Decisions taken by the Leader / Executive / formal Executive bodies**

Executive decisions are to be taken by the Leader, Executive and formal Executive bodies. Notification that a key decision is to be taken is to be given in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. The Chief Executive must arrange for notes to be taken of these meetings and the decisions recorded, together with details of which members were in attendance. The detailed rules of procedure for Key Decisions, as set out in Part 4 of this Constitution (Executive Procedure Rules), must be followed.

Subject to provisions relating to exempt information, as set out in the Access to Information Rules at Part 4 of this Constitution, within two days of a decision being taken by one of these bodies, a Notice of Decision that includes the following must be produced and available for public inspection:

- Details of the decision taken
- Reasons why the decision was taken
- Details of any other options considered
- A record of any conflict of interest declared by any member present in relation to the decision taken and a note of any dispensation granted by the Council's Standards Committee

Minutes are then produced including the above information and are submitted to a subsequent meeting of the decision making body for approval as a correct record.

Unless it is otherwise agreed in accordance with the rules of procedure set out at Part 4 of this Constitution, executive decisions taken may not be implemented until five clear days after the Notice of Decision has been produced.

#### **11.6 Decision making by the scrutiny committees, other committees and sub-committees established by the Council**

The scrutiny committees and other Council committees, sub-committees, Panels and other bodies established by the Council must follow the relevant procedures set out in Part 4 of this Constitution which apply to them. The Chief Executive must arrange for notes to be taken of these meetings and the decisions recorded, together with details of which members were in attendance.

As soon as practicable after the meeting a Summary of Decisions taken must be produced and available for public inspection. Minutes are produced that are submitted to a subsequent meeting for approval as a correct record.

#### **11.7 Decision Making by the Leader or Individual Councillors**

All such decisions must be made in accordance with the relevant rules of procedure as set out at Part 4 of this Constitution. The decision taken must be documented and include:

- Details of the decision taken
- Reasons why the decision was taken
- Details of any other options considered
- A record of any conflict of interest declared by the member in relation to the decision taken and a note of any dispensation granted by the Council's Standards Committee

This document must then be circulated to all Councillors and made available for public inspection (subject to the rules relating to exempt information).

Unless it is otherwise agreed in accordance with the rules of procedure set out at Part 4 of this Constitution, decisions taken by individual members may not be implemented until five clear days after the document detailing the decision has been circulated/made available for public inspection.

All such decisions taken by individual members, except those taken in relation to Local Community Budgets, must be reported to a subsequent

meeting of the Executive.

### **11.8 Local Community Budgets and Local Youth Budget**

The provisions in paragraph 11.7 above also apply to individual Ward Member decision making in relation to their Local Community Budgets and the Member making decisions on the Local Youth Budget except that they are not required to be reported to the Executive.

### **11.9 Key-Decisions taken by Officers**

The Council's Scheme of Delegations (as shown at Part 3 of this Constitution) allows for officers to take Key Decisions. The procedures set out at 11.7 above apply except that they are not required to be reported to the Executive.

## **ARTICLE 12 – FINANCE, CONTRACTS AND LEGAL MATTERS**

### **12.1 Financial management**

The management of the Council's financial affairs will be conducted in accordance with the Financial Regulations set out in Part 4 of this Constitution.

### **12.2 Contracts**

Every contract made by the Council will comply with the Contract Standing Orders set out in Part 4 of this Constitution.

### **12.3 Legal proceedings**

The Borough Solicitor is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Borough Solicitor considers that such action is necessary to protect the Council's interests.

### **12.4 Authentication of documents**

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Borough Solicitor or other person authorised by her/him, unless any enactment otherwise so authorises or requires, or the Council has given requisite authority, to some other person.

### **12.5 Common Seal of the Council**

The Common Seal of the Council will be kept in a safe place in the custody of the Borough Solicitor. A decision of the Council, or of any part of it, (or those made under delegated powers and duties) are sufficient authority to seal documents needed for putting those decisions into effect.

The impression of the Common Seal must be attested by one of the following officers of the Council: Chief Executive, Borough Solicitor, or Strategic Director. A record of every sealing must be entered and consecutively numbered in a book and signed by one of the witnesses to the sealing.

## **ARTICLE 13 – MONITORING AND REVISION OF THE CONSTITUTION**

### **13.1 Monitoring the Constitution**

The Leader / Executive, upon the advice of the Chief Executive, will monitor the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

### **13.2 Changes to the Constitution**

Statutory changes to the Constitution may be made without reference to Council. Other Changes to the Constitution will only be approved by Council. The Chief Executive may authorise minor and consequential amendments. The Leader of the Council is to be notified of all such amendments.

## **ARTICLE 14 – SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION**

### **14.1 Suspension of the Constitution**

The Articles of this Constitution may not be suspended. Any of the Rules of Procedure may be suspended by the Council to the extent permitted within those Rules and the law.

### **14.2 Interpretation**

The ruling of the Mayor, regarding the construction or application of this Constitution or as to any proceedings of the Council, shall not be challenged at any meeting of the Council; subject to any provisions of Council Standing Orders. Any interpretation by the Mayor will have regard to the purposes of this Constitution contained in Article 1.

### **14.3 Publication**

The Chief Executive will ensure that each Councillor has access to a copy of this Constitution (a printed copy being made available upon specific request) and that it is available for public inspection at Council offices and on the website. Copies of the Constitution can be purchased by the press and public on payment of a reasonable fee.

## **PART 3**

# **RESPONSIBILITY FOR FUNCTIONS**

## **1. GENERAL**

- 1.1** The Authority's functions may lawfully be exercised by:
- The Council
  - The Leader
  - Deputy Leader when acting as Leader
  - The Executive
  - Individual members of the Executive
  - Individual Ward Members in relation to Local Community Budgets
  - Committees and Sub-Committees of the Council or the Executive
  - Joint Committees
  - Officers
  - Other persons so authorised where the law permits
- 1.2** An outline of the decision making structure and the management structure of the Council and the Service Areas within which various functions are generally dealt with is included in Part 2 and Part 7 of this Constitution.
- 1.3** This Part of the Constitution and the Tables attached describe whether the various functions of the Authority are 'Council functions' or 'Executive functions'.
- 1.4** The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) give effect to section 13 of the Local Government Act 2000 by specifying which functions are not to be the responsibility of the Leader/Executive; which functions may (but need not) be the responsibility of the Leader/Executive ('Local Choice Functions'); and which functions are to some extent the responsibility of the Leader/Executive. All other functions not so specified are to be the responsibility of the Leader who may then delegate as appropriate. The Regulations have been subsequently amended and those amendments are reflected in this Constitution. In addition, certain 'Council' functions must be carried out by the Council itself, that is, the Council may not delegate these to a Committee or officer. These are shown in Table 1.
- 1.5** Table 2 sets out the functions listed in Schedule 1 to the Regulations (as amended), which cannot be the responsibility of the Leader/Executive. It should be noted that not all the functions listed in this table may apply to Stevenage Borough Council.

- 1.6** Table 3 sets out the Local Choice Functions which may or may not be the responsibility of the Leader/Executive and specifies whether, in Stevenage, they will be exercised by the Leader/Executive or the Council.
- 1.7** Table 4 sets out the functions which are not to be the sole responsibility of the Leader/Executive. The Table describes the plans, policies and strategies, which form the Authority's Policy Framework and specifies what role the Leader/Executive will play in relation to those plans, policies and strategies. Essentially, the Leader/Executive will develop and consult on the plans, policies and strategies listed and will then refer them to the Council for consideration and approval. If approved, the Leader/Executive will then be responsible for implementing them.
- 1.8** The membership of the Executive and Council Committees and Sub-Committees may be found on the Council's website, clicking on the individual Committees etc. (<http://www.stevenage.gov.uk/have-your-say/council-meetings/>) or on request, from the Constitutional Services Manager. The terms of reference for each of the Committees etc. are detailed in Section 2 following.
- 1.9** Council and Executive functions are delegated to officers in accordance with section 4 below, 'Scheme of Delegations to Officers'.
- 1.10** All functions shall be exercised in accordance with this Constitution including, for the avoidance of doubt, the Rules of Procedure and Protocols shown at Part 4 and Part 5, respectively.
- 1.11** In exercising any function or making any decision the decision making body or person shall take into account all relevant considerations and ignore all irrelevant considerations and shall comply with the Access to Information Rules.

## **2. TERMS OF REFERENCE**

### **2.1 The Executive**

To undertake all Executive functions (as defined in this Constitution) so delegated by the Leader by virtue of he/she authorising the submission of a report for decision.

These Executive functions may also be delegated to Committees of the Executive or Joint Executive Committees established with other authorities (see section 2.10 - 2.11 below)

### **2.2 Scrutiny Committees**

#### **2.2.1 Overview and Scrutiny Committee – Quorum 4**

- a. To consider the activities of the Executive and to have responsibility to reconsider any executive decision that has been subject to call-in, in accordance with the provisions of the Scrutiny provisions as set out in the Council's Constitution.
- b. Responsibility for the scrutiny of all initial proposals for the development of the Council's Budget and Policy Framework in accordance with the Budget and Policy Framework provisions in the Council's Constitution.
- c. To determine a Scrutiny work programme to examine the spending, policies and administration of the Council's services within the direct purview for services of a Corporate and/or Council wide nature and relationships with partners and external agencies involved with these areas, together with a timetable and method of study for each topic.
- d. To determine formal recommendations in relation to scrutiny studies undertaken for reporting to the Council, Executive, other Committees, Officers and / or partner agencies as appropriate.
- e. To review the Forward Plan of Key Decisions in relation to services within the direct purview for services of a Corporate and/or Council wide nature, considering if it wishes to make any input to policy issues contained in the Plan and if so, how. In undertaking this work the Committee may call upon the relevant Executive Member and/or the Assistant Director to provide a briefing or take part in discussion.
- f. That in respect of policy development of matters that fall within the remit of this Committee, to meet with the relevant Portfolio Holder to comment on individual draft policies that are scheduled to be considered to the Executive.

- g. To work with other Select Committees, as appropriate when considering cross-cutting scrutiny studies and policy development when both Committees have so agreed.
- h. To consider matters referred to the Committee under the procedure for the Councillor Call for Action in relation to matters within the direct purview for services of a Corporate and/or Council wide nature.
- i. In accordance with the Petitions Scheme, consider Petitions, Petition Reviews and interview Senior Council Officers (as requested by a Petition) in relation to matters within the direct purview for services of a Corporate and/or Council wide nature.
- j. In conjunction with the Select Committees, responsibility for the on-going development of the Scrutiny function of the Council.
- k. To report to the Executive, other committees or Council, as appropriate.

#### **2.2.2 Community Select Committee – Quorum 4**

- a. To determine a Scrutiny work programme to examine the spending, policies and administration of the Council's services within the purview of the Assistant Director (Housing and Investment) and the Assistant Director (Communities and Neighbourhood) and the Assistant Director (Stevenage Direct Services (repairs and caretaking)) and relationships with partners and external agencies involved with these services, together with a timetable and method of study for each topic.
- b. To determine formal recommendations in relation to scrutiny studies undertaken for reporting to the Council, Executive, other Committees, Officers and / or partner agencies as appropriate.
- c. To review the Forward Plan of Key Decisions in relation to services within the Committee's remit, considering if it wishes to make any input to policy issues contained in the Plan and if so, how. In undertaking this work the Committee may call upon the relevant Executive Member and/or the Assistant Director to provide a briefing or take part in discussion.
- d. To act as the Council's Crime and Disorder Committee, meeting in that capacity a minimum of once each year (by including Crime and Disorder on the agenda at least once each year).
- e. That in respect of policy development of matters that fall within the remit of this Committee, to meet with the relevant Portfolio

Holder to comment on individual draft policies that are scheduled to be considered to the Executive.

- f. To work with the other Select Committee or the Overview & Scrutiny Committee, as appropriate when considering cross-cutting scrutiny studies and policy development when both Committees have so agreed.
- g. To consider matters referred to the Committee under the procedure for the Councillor Call for Action in relation to matters within the purview of the Assistant Director (Housing and Investment) and the Assistant Director (Communities and Neighbourhood).
- h. In accordance with the Petitions Scheme, consider Petitions, Petition Reviews and interview Senior Council Officers (as requested by a Petition) in relation to matters within the purview of the Assistant Director (Housing and Investment) and the Assistant Director (Communities and Neighbourhood).
- i. In conjunction with the other Select Committee and Scrutiny Overview Committee, responsibility for the on-going development of the Policy Development and Scrutiny function of the Council.
- j. To report to the Executive, other committees or Council, as appropriate.

### **2.2.3 Environment & Economy Select Committee – Quorum 4**

- a. To determine a Scrutiny work programme to examine the spending, policies and administration of the Council's services within the purview of the Assistant Director (Regeneration), Assistant Director (Stevenage Direct Services (except caretaking and repairs)), Assistant Director (Housing Development) and Assistant Director (Planning & Regulation) and relationships with partners and external agencies involved with these services, together with a timetable and method of study for each topic.
- b. To determine formal recommendations in relation to scrutiny studies undertaken for reporting to the Council, Executive, other Committees, Officers and / or partner agencies as appropriate.
- c. To review the Forward Plan of Key Decisions in relation to services within the Committee's remit, considering if it wishes to make any input to policy issues contained in the Plan and if so, how. In undertaking this work the Committee may call upon the relevant Executive Member and/or the Strategic Director to provide a briefing or take part in discussion.

- d. To consider any policy issues within the remit of the Select Committee referred by the Executive and raising any other issues it considers appropriate.
- e. To work with the Community Select Committee or the Overview & Scrutiny Committee, as appropriate when considering cross-cutting scrutiny studies and policy development when both Committees have so agreed.
- f. To consider matters referred to the Committee under the procedure for the Councillor Call for Action in relation to matters within the purview of the Assistant Director (Stevenage Direct Services) and Assistant Director (Planning and Regulation).
- g. In accordance with the Petitions Scheme, consider Petitions, Petition Reviews and interview Senior Council Officers (as requested by a Petition) in relation to matters within the purview of the Assistant Director (Stevenage Direct Services) and Assistant Director (Planning and Regulation).
- h. In conjunction with the Community Select Committee and the Overview and Scrutiny Committee, responsibility for the on-going development of the Policy Development and Scrutiny function of the Council.
- i. To report to the Executive, other committees or Council, as appropriate.

**2.3 The Standards Committee – Quorum 3 – ( Membership - 8 Members to include one Member of the Executive and at least one Member from more than one political group)**

- a. The promotion and maintenance of high standards of conduct by members and co-opted members of the Council.
- b. To consider and dispose of allegations that a member is in breach of the Council's Code of Conduct in accordance with the Arrangements adopted by the Council under Section 28 Localism Act 2011.
- c. To depart from the Arrangements in b. above in the circumstances described in paragraph 12 of those Arrangements.
- d. To consider and, if necessary, recommend changes to the Code of Conduct, the arrangements under which allegations can be investigated and decisions on allegations can be made or any other aspects of the Standards Regime to the Council.
- e. To grant dispensations under Section 33 Localism Act 2011.

## **2.4 Audit Committee – Quorum 4**

To advise or comment as appropriate on:

- a. Internal Audit matters, including:
  - (i) The Annual Internal Audit Plan;
  - (ii) The adequacy of management responses to Internal Audit reports and recommendations;
  - (iii) The Auditor Partnership Manager’s Annual Report and Opinion; and
  - (iv) To consider summaries of specific internal audit reports, as requested.
- b. External Audit matters, including:
  - (i) External Auditors’ plans for auditing and inspecting the authority;
  - (ii) The Annual Audit and Inspection Letter from the External Auditor;
  - (iii) The report to those charged with governance;
  - (iv) Proposals from the National Audit Office over the appointment of the External Auditor;
  - (v) the scope and depth of External Audit work.
- c. Arrangements made for the co-operation between Internal Audit, External Audit and other bodies.
- d. Anti-Fraud & Corruption issues including the Council’s policies on Anti-Fraud and Corruption, ‘whistle-blowing’.
- e. The Council’s Annual Governance Statement (AGS).
- f. The Council’s Constitution in respect of Contract Standing Orders and Financial Regulations.
- g. The Council’s Risk Management arrangements.
- h. The Council’s arrangements for delivering value for money.
- i. The Statement of Accounts and related Capital Determinations.
- j. The Council’s Treasury Management Strategy.

## 2.5 Planning & Development Committee – Quorum 4

- a. To advise the Leader/Executive on the following:
  - (i) Identification of consumer needs for services related to planning and development services and facilities functions of the Committee, and recommendations on the development of services and facilities to meet them, including:
    - Land use plans and policy, including local plans
    - Employment and economic development
    - Development management servicesand advising the Leader / Executive / Council accordingly;
  - (ii) Management and maintenance of planning and development related facilities and services in item (i), including employment and training facilities and services;
  - (iii) Monitoring and review of performance in relation to the provision and development of planning and development services and facilities, including employment and training facilities and services, whether provided by the Assistant Director (Planning and Regulation), other Council Service Delivery Units, or outside contractors and advising the Leader/Executive/Council accordingly;
  - (iv) The promotion of the economic development of Stevenage, and of specific industrial/commercial land and premises within Stevenage, as to use and development and, where appropriate, about monitoring negotiations for development and redevelopment;
  - (v) Development and encouragement of local businesses, employment and training initiatives, with co-ordination and implementation by the Leader / Executive as appropriate.
  - (vi) The allocation and monitoring of grant aid and loans to local employment and training initiatives.
- b. Responsibility for Development Management, including Listed Building Control - determination of planning applications, and enforcement matters under planning regulations.
- c. Responsibility for Building Control - determination of applications under the Building Regulations, and enforcement matters under planning and building legislation.
- d. Responsibility for the determination of Countryside Management and Tree Preservation matters, including the making of Tree Preservation

Orders and related matters, and including consultation with appropriate outside bodies.

- e. Matters imposed or permitted by legislation in relation to the functions of the Committee.
- f. Insofar as they are not already referred to in these terms of reference, those relevant powers set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations as amended (see Table 2 of Part 3 of this Constitution); as clarified by regulations, subject to them being dealt with, as appropriate, by officers under delegated powers. This is to include the making of charges for any approval, licence or registration etc., in relation to the powers referred to.
- g. Insofar as they are not already referred to in these terms of reference, those local choice functions set out at Table 3 of Part 3 of the Council's Constitution.
- h. Any other appropriate matter referred.

## **2.6 Licensing Committee – Quorum 4**

- a. To consider and determine applications under the Licensing Act 2003 where representations have been made, in respect of the following cases:
  - (i) Personal Licences;
  - (ii) Premises Licences/Club Premises Certificates;
  - (iii) Provisional Statements;
  - (iv) Variation of Premises Licences/Club Premises Certificates;
  - (v) Minor variations of Premises Licences/Club Premises Certificates;
  - (vi) Variation of Designated Premises Supervisors;
  - (vii) Transfer of Premises licence;
  - (viii) Interim authorities;
  - (ix) Review premises licences/club premises certificates;
  - (x) Issue of Counter Notice following Police objection to a Temporary Event Notice.
- b. To consider and determine applications under the Gambling Act 2005 (where representations have been made and not withdrawn) in respect of the following cases:

- (i) Premises Licences;
- (ii) Variation to a Licence;
- (iii) Transfer of a Licence;
- (iv) Provisional Statements;
- (v) Review of a Premises Licence;
- (vi) Club Gaming/Club Machine Permit;
- (vii) Cancellation of a Club Gaming/Club Machine Permit.

## **2.7 General Purposes Committee – Quorum 4**

- a. To consider matters in accordance with the Council's policies in respect of the following:
  - (i) the grant, approval, review, refusal, revocation, renewal, transfer or variation of any licence, registration, certificate, consent, permit, approval or permission, except where such function falls within the terms of reference of another committee or where the matter has been delegated to officers of the Council; and
  - (ii) consideration and determination of such applications for licences, registrations, certificates and consents that the Head of Environmental Health Services feels necessary, owing to the nature of the application concerned.
- b. The designation of public places where the consumption of alcohol is to be prohibited.
- c. To consider and determine certain matters where a right of appeal exists against the decision of a Members body or an officer, including:
  - (i) further reviews under the relevant Regulations by applicants for Housing Benefit and Council Tax Benefits.
  - (ii) appeals in relation to housing needs assessment.

These terms of reference shall exclude the hearing and determination of:

- Appeals by officers against dismissal or disciplinary action;
- Grievances from officers under the final stage of the grievance procedure;

which shall be dealt with either in accordance with the terms of reference for the Appeals/Grievance Panel or in accordance with the delegations to officers.

- d. Insofar as they are not already referred to in these terms of reference, those relevant powers set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations as amended (see Table 2 of Part 3 of the Constitution) (subject to them being dealt with as appropriate by Officers under delegated powers).
- e. Insofar as they are not already referred to in these terms of reference, those 'local choice' functions set out at Table 3 of Part 3 of the Constitution.

## **2.8 Appointments Committee – Quorum 3**

The appointment and dismissal of the Chief Executive and Strategic Directors, subject to the requirements of the Local Government Act 2000, Local Authorities (Standing Orders) (England) Regulations 2001, and the Officer Employment Rules contained in the Constitution.

## **2.9 Statement of Accounts Committee – Quorum 3**

To approve the Statement of Accounts and related Capital Determinations in accordance with the Account and Audit (England) Regulations 2011.

## **2.10 Joint Consultative Committee – Quorum 2 from each the Employers' Side and the Staff Side**

To meet jointly with the Staff Side Joint Consultative Committee to consult with employees, via their representatives, on developments affecting them; and on matters not resolved by the Strategic Management Board.

## **2.11 Executive Committees**

Where the Leader so delegates, stated Executive business may be undertaken by the following Committees -

### **2.11.1 Appeals, Grievances & Litigation Committee – Quorum 3**

Except where matters fall to be considered by any other body -

1. To hear and determine appeals against dismissal or disciplinary action in the case of Officers employed on Chief Officer Terms and Conditions.
2. To hear and determine grievances under the final stage of the grievance procedure in the case of Officers employed on Chief Officer Terms and Conditions; or, in the case of other officers, where no Strategic Management Board is able to hear the grievance.
3. To receive reports and opinions on litigious and potentially litigious matters whether or not the matter under consideration has been referred to the courts or any tribunal.
4. To authorise the Borough Solicitor to commence legal proceedings or defend or settle, if so required in any case on terms, any litigation matter or potentially litigious matter.

### **2.11.2 Housing Development and Regeneration Working Group - Quorum 3**

Membership: Chair - Leader of the Council  
Portfolio Holder for Housing, Health and Older People  
Portfolio Holder for Resources  
Portfolio Holder for Environment and Regeneration  
Portfolio Holder for Neighbourhoods & Co-operative Council

To advise and make recommendations to the Executive on the following -

#### **HOUSING DEVELOPMENT**

1. Documents relating to Development Strategy, Design Standards and a Pipeline of schemes that will form the strategic core of the Council's Housebuilding Programmes.
2. Financial resources of the programme in light of the individual schemes being delivered and their outputs in relation to:
  - a. Scheme Design & Unit mix
  - b. Scheme Quality
  - c. Scheme Mile stones
  - d. Consultation programme &
  - e. Scheme Costs & financial appraisals
3. Funding for officers to bid for and complete on new sites and development opportunities that will enhance the Council's pipeline for new housing or form part of the land assembly required to deliver approved schemes.
4. Outline designs, individual scheme concepts and scheme appraisals on which to approve the submission of detailed planning applications, and/or if more appropriate outline planning applications, by the Council's appointed contractors, consultants or officers .

5. To invite Ward Members to attend meetings of the Working Group, or other consultation events noted in the consultation programme when potential development sites in their ward are under consideration, and to provide an opportunity for Ward Members to provide comments on proposed developments.
6. The commencement of the procurement of delivery partners/contractors for sites that have achieved planning permissions and are considered to be contributing towards a viable development programme.
7. Appointment of contractors to deliver approved schemes.
8. Financial appraisals and the use of the following sources of funding for the development of individual sites within the Council's Housebuilding Programme:
  - (a) The agreed Housing Capital Programme Budget for the Housebuilding Programme;
  - (b) Capital receipts made available through the Council's Agreement with the Ministry of Housing, Communities and Local Government allowing the use of Receipts from additional Right to Buy (RTB) sales as a result of the Government's increase in the maximum RTB discount to be spent on House Building;
  - (c) Financial contributions received from developers or other sources for the provision of Affordable housing within the borough, in lieu of on-site affordable housing provision, in compliance with Section 106 Planning Agreements; and other eligible grant from new sources
  - (d) Grant funding received from Homes England (HE)
  - (e) Development support income generated through private sale homes, land disposals and shared ownership homes on schemes and land identified in the programme.
9. The progress with the Council's Housebuilding Programme; and expenditure on the Housing Capital Programme Budget for the Council's Housebuilding Programme, ensuring the use (within the required Deadlines) of the capital receipts made available through the Council's Agreement with the Ministry of Housing, Communities and Local Government allowing the use of receipts from additional Right to Buy (RTB) sales as a result of the Government's increase in the maximum RTB Discount to be spent on house building.
10. Applications to HE (or any successor body) to obtain Investment Partner Status (or similar), in order to enable the Council to seek funding

from HE, and to approve funding bids to HE for development within the Council House Building Programme.

11. The future use of any potential development site previously identified by either the Committee or Executive as having possible development potential for Council House Building where it either does not gain planning consent, is deemed inappropriate to develop by the Committee for whatever reason or where the development appraisal identifies that the site is economically undevelopable.

12. The names of developments undertaken through the Council House Building Programme, following consultation with Ward Members.

13. The name of the Council's wholly owned Housing Development Company [WOC].

14. The annual summary and accounts of the WOC's performance against key performance measures

15. The annual revised versions of the first Business Plan produced by the WOC, and any subsequent Business Plans for additional housing schemes, and to make recommendations to Executive in relation to them.

16. Requests from the WOC to acquire any property or otherwise trade outside the Council's administrative area and to make recommendations to Executive in relation to them.

## REGENERATION

17. Projects relating to Stevenage Central Framework, and any further opportunities or schemes that will support the strategic vision for the regeneration of Stevenage Town Centre.

18. The communication and marketing strategy for the regeneration of the town and consultation and engagement arrangements for different regeneration schemes.

19. Commencement of procurement of delivery partners/ contractors for schemes that are considered to be contributing to the vision for the town centre.

20. The progress within the Council's overall regeneration programme; including project progress, future planning and commissioning of projects, funding options and future bidding rounds.

21. Schemes being progressed via Development Partnerships or joint ventures with commercial partners and individual scheme concepts or schemes to be brought forward through these commercial arrangements.

22. The annual report regarding the Queensway regeneration scheme from the Queensway LLP (“the LLP”), consider and approve the LLP’s Business Plan and hold the Council’s officer representatives on the LLP to account for delivery of the Business Plan. To authorise an operational expenditure cap of up to £100k per annum for LLP spend which is supplementary to the agreed Business Plan. To receive a regular progress report from the Council’s officer representatives on the LLP and delegate the signing off of LLP accounts, appointment of auditors and change of representatives to the Chief Executive having consulted with the Portfolio Holder for Environment and Regeneration.

23. Bidding opportunities which will aid delivery of the Stevenage Central Framework vision for the town centre.

24. Additional strategies and concepts which will support the regeneration of Stevenage Town Centre.

### **2.11.3 Commercial and Investment Working Group – Quorum 3**

Membership: Portfolio Holder for Resources  
4 other Executive Members

To advise and make recommendations to the Executive on the following -

1. New income streams and commercial business cases (including those that are key decisions).
2. Financial resources where necessary to progress commercial projects.
3. Individual Schemes within the Programme.
4. The development of new opportunities through establishing a risk appetite that stimulates the evaluation of new emerging markets and opportunities.
5. Documents relating to the Co-operative Commercial and Insourcing Strategy and regularly review the Strategy.
6. The delivery of approved business cases and all aspects of the Co-operative Commercial and Insourcing Strategy.
7. Strategic leadership to build a robust commercial culture.
8. Key performance indicators of all income generating functions.
9. Key commercial arrangements including contracts, contract and performance management processes and major service developments and track the progress of such developments.

## **2.12 Joint Executive Committees**

Where the Leader / Executive so delegates stated Executive business may be undertaken by the following Joint Committees -

### **2.12.1 Joint CCTV Executive Committee (Stevenage/North Herts./East Herts/Hertsmere) – Quorum 4 – to include at least 1 member from each constituent Authority**

- a. To agree the strategy and policy relating to the jointly operated CCTV Control and Monitoring service.
- b. To receive the CCTV Annual Report, Independent Inspector's Report and other relevant reports.
- c. To deal with all matters defined under the code of practice as the responsibility of the Executive Board.
- d. To consider expansion and contraction proposals for the control room monitoring service.
- e. To consider and agree minor changes to the Code of Practice.
- f. To consider and recommend significant changes in the Code of Practice.
- g. To ensure that the Independent Inspection regime is set up and maintained.
- h. To consider complaints regarding breaches of the Code of Practice and recommendations for disciplinary action and actions, or changes to prevent reoccurrence.
- i. To deal with any matters as identified under the Joint Agreement as requiring the actions of the Executive Board; in particular:
  - (i) To require reports from the Authorising Officer on management and operational matters;
  - (ii) To consider matters referred to the Authorising Officer under the Joint Agreement disputes procedure; and
  - (iii) To consider proposals to incur additional control and monitoring room cost as a result of expansion within the allocated camera expansion capacity of one party.
- j. To make recommendations on any of the above to the Officer Management Board.

**2.12.2 Joint Executive Revenues and Benefits Shared Service Committee (Stevenage/East Herts.) – Quorum 3 – at least one Member from each constituent authority**

- a. To approve the annual Service Plan for the Shared Revenues and Benefits Service.
- b. To receive explanations of variances in service performance against the agreed Service Plan.
- c. To approve the budget of the Shared Service and where so delegated determine requested virements within that budget.
- d. To give initial consideration to future development of the Shared Service and any changes in legislation that may affect service delivery and make recommendations thereon to the Executive or Officers.
- e. Where it is considered appropriate, report to the Executives of the Constituent Councils.

**2.12.3 Joint Executive Information Communication Technology Shared Service Committee (Stevenage/East Herts.) – Quorum 3 – at least one Member from each constituent authority**

- a. To recommend the ICT Strategy to the constituent councils..
- b. To approve the annual service plan for the Shared ICT Service.
- c. To receive explanations of variances in service performance against the agreed service plan.
- d. To approve the expenditure within the budget of the shared service and where so delegated determine requested virements within that budget.
- e. To give initial consideration to future development of the shared service and any changes in legislation that may affect service delivery and make recommendations thereon to the Executive or officers.
- f. Where it is considered appropriate, provide reports to the constituent councils.

### **3. THE ROLE OF THE EXECUTIVE**

#### **3.1 The Leader of the Council**

The Leader of the Council has the executive powers of the Council and presents the Council's policies and practices to the citizens of the Borough. In addition the Leader will:

- Determine the number of Councillors on the Executive
- Appoint Councillors on the Executive and allocate Portfolios
- Appoint a Deputy Leader
- Makes arrangements for the discharge of Executive functions to the Executive, individual Members or officers
- Chair the meetings of the Executive
- Have an overview of, and advise on, the policy making of the Council
- Act as Lead Member on the Council's overall strategy
- Monitor the overall performance of the Council in delivering the agreed policies
- Co-ordinate the work of Executive Members in the development and delivery of Council policy
- Represent Council policy to the community and other agencies
- Chair, as appropriate, meetings of Members, officers and partners as necessary
- Work closely with the Council's Chief Executive and other senior managers on strategic matters which ensure the coordination, consistency and delivery of Council services
- Reviews the performance of the Chief Executive
- Represent the Council on local, regional, national and international bodies
- Consults with the Chief Executive and relevant Executive Members on strategic or policy matters where an urgent decision or action must be taken
- Promote and develop partnership working with other agencies and

ensure that the Council's corporate business strategy objectives are met

- Where necessary, consult with the leaders of other political groups to expedite the efficient and effective delivery of Council business
- Take decisions in the case of urgency, as set out in the Council's Constitution
- Take a leading role in the development and implementation of policy for her/his specific Portfolio area of responsibility
- In relation to her/his Portfolio area, serve as the initial point of consultation for the Borough Senior Leadership Team on any issues relating thereto
- Take Non-Key Decisions where required in relation to her/his specific Portfolio areas of responsibility
- Where requested, attend meetings of Scrutiny bodies to make presentations and/or answer questions
- Review the performance of Portfolio Holders

Any decisions taken by the Leader must comply with the principles of decision making and procedural rules set out in this Constitution.

### **3.2 Executive Portfolios**

The Leader allocates broad areas of its responsibilities and functions to individual Members who serve on the Executive. These areas of responsibility are called 'Executive Portfolios' and are decided by the Leader:

#### **CULTURE, LEISURE, CHILDREN & YOUNG PEOPLE**

To include:

- Safeguarding
- The Play Service
- Children's Centres
- Child Poverty
- So Stevenage District Children's Trust Partnership
- Liaison with Herts County Council and the Voluntary Sector on the provision of youth services
- Reimagining Stevenage – Cultural Strategy
- Culture, Art and Music
- Sport and Leisure
- Liaison with Stevenage Leisure Limited
- Tourism

## COMMUNITY SAFETY, EQUALITIES, HEALTH & OLDER PEOPLE

### To include:

- Community Safety
- Social Inclusion Forum
- Enforcement (including environmental action days)
- Community Cohesion
- Equalities and Diversity, including Equalities Commission
- Environmental Health
- Tackling Financial Inequality
- Licensing
- Health and Safety
- Responsible Authorities Group (Community Safety)
- Older People
- Tackling Health Inequalities
- Health Promotion and Education
- So Stevenage Partnership Health Forum

## ECONOMY, ENTERPRISE AND TRANSPORT

### To include:

- Liaison with the Business Community
- Economic Development
- Transport
- Highways
- Parking
- Vocational Training and Workforce Skills, including Stevenage Works
- So Stevenage Economic Task Force
- Business Forums
- Stevenage High Street and liaison with the Stevenage Old Town Business and Community Partnership

## ENVIRONMENT AND CLIMATE CHANGE

### To include:

- Climate Change and Net Zero Challenge
- Planning and Development
- Local Development Scheme and Framework
- Waste Collection and Recycling
- Street Scene
- Parks, Open Spaces and Grounds Maintenance, including Greenspace volunteers
- Pocket Parks
- Biodiversity Strategy and Action Plan
- So Stevenage Environment Forum
- Performance Management and Data Quality

## HOUSING AND HOUSING DEVELOPMENT

To include:

- Housing Strategy and Policy
- HRA Business Plan
- Housing Development and New Homes
- Housing Management
- Compliance
- Housing Property Services, including Repairs, Maintenance and Voids
- Private rented housing sector

## COMMUNITIES, NEIGHBOURHOODS AND CO-OPERATIVE COUNCIL

To include:

- Community Development
- Community and Voluntary Sector
- Neighbourhood Management & Neighbourhood Teams
- Neighbourhood Planning
- Local Community Budgets
- Empowerment of Communities and individuals (including neighbourhood and residents meetings)
- Partnership Working at neighbourhood level

## RESOURCES AND INFORMATION TECHNOLOGY

To include:

- IT Strategy and Action Plan
- IT Partnership with East Herts
- Finance
- Housing Revenue Account
- Estates
- Human Resources (including equalities and diversity for employees)
- Emergency Planning
- Risk Management
- Customer Service Centre

Additionally, the Leader has specific responsibility for Local Government Reorganisation, the Constitution, Regeneration (Town Centre and Neighbourhood Centres), Town Centre Management, Media and Communications, Public Consultation, Partnerships, Town Twinning, Member Services and the Civic Suite, and the Modern Member Programme.

### **3.3 Executive Portfolio Holders**

As delegated by the Leader, the role of Executive Members with Portfolios is to take the lead in the development and implementation of policy for her/his specific Portfolio area of responsibility. Additionally, Executive Members:

- Advise the Council or Executive on matters concerning the implementation, monitoring and performance of services, groups of services, initiatives and projects, particularly in relation to her/his Portfolio area.
- As a member of the Executive, contribute to the collective decision making and corporate governance of the Council.
- To monitor the performance of Portfolio functions and activities to ensure objectives and targets are achieved to deliver the Council's corporate business strategy.
- To advise and consult with senior managers on matters of significance for Council policy and its implementation particularly in relation to her/his Portfolio area.
- To ensure that value for money is achieved for all citizens of the Borough.
- To represent the Council's views to other agencies, community interests and local media.
- To regularly liaise with the Leader of the Council, other Executive Members and senior managers on strategic matters to ensure proper co-ordination, consistency and delivery of services within Council policy, particularly in relation to her/his Portfolio area.
- To lead the development of effective partnership working with other agencies and take responsibility for ensuring that the Council's objectives within specific partnerships are met.
- To communicate, consult and maintain a dialogue with the communities within the Borough to ensure that the needs and desires are understood so as to maximise the quality of life for all citizens.
- To chair as appropriate meetings of Members and officers and with Council partners.
- To assist in the setting of agendas and the presentation and reporting of issues to the Council, its committees and Members' seminars.

- To ensure that all of the Council's policies and practices acknowledge and reflect the diversity of the community and ensure that delivery of Council services recognise that diversity.
- In relation to Portfolio areas, serve as the initial point of consultation for the Borough Senior Leadership Team on any issues relating thereto.
- Ensure that the Council's strategic business plan objectives are met.
- Where necessary, consult with the leaders of other political groups to expedite the efficient and effective delivery of Council business.
- Take decisions in the case of urgency, as set out in the Council's Constitution.
- Take a leading role in the development and implementation of policy for her/his specific Portfolio area of responsibility ensuring that other Members are engaged and involved in that development.
- Take Non-Key Decisions where required in relation to her/his specific Portfolio areas of responsibility.
- Where requested, to attend meetings of Scrutiny bodies to make presentations and/or answer questions.
- Work with the Leader on setting and monitoring performance objectives for the portfolio.
- Develop and maintain a knowledge of the values and principles of Co-operative working, undertaking training as necessary.

### **3.4 Delegated Authority to Individual Members**

The Leader may delegate functions to individual Members to take Non-Key Decisions in relation to their area of responsibility. Any such decisions must be taken in accordance with Article 11 and the procedural rules in Part 4 of this Constitution.

### **3.5 Local Community Budgets**

Under the provisions of Section 236 of the Local Government and Public Involvement in Health Act 2007 the Leader has agreed for the discharge of executive functions by individual Members in relation to that Member's ward to extent that each Member has been delegated the spend a locality budget of £1,500 per annum - the spending of money in this context being an executive function. This sum may be used at the discretion of each individual

Member subject to the requirements of the law and this Constitution and also to such procedures as may be devised by the Chief Executive. These budgets may be used only for the promotion or improvement of the economic, social or environmental wellbeing of the Ward.

#### **4. SCHEME OF DELEGATION TO OFFICERS**

##### **4.1 General**

Delegations to officers shall be without prejudice to the rights and powers of the Council and its committees or the Leader or the Executive and its committees, as appropriate at any time to decide upon any matters which fall within their responsibility.

In exercising powers delegated to them under this Scheme of Delegation, officers:

- a. Shall comply with the principles of decision making (Article 11 of this Constitution), standing orders, contract standing orders and financial regulations and any other relevant matters set out in the Council's Constitution;
- b. Shall comply with the approved policy schemes and decisions of the Council, its committees or the Executive;
- c. Shall consult with the appropriate professional or technical officers of the Council on relevant matters, in particular, the Chief Finance Officer and Borough Solicitor;
- d. Shall consult, where appropriate, with the Executive Member(s) whose portfolio(s) is/are affected.

##### **4.2 Proper officer provisions**

Subject to the appointments specified elsewhere in the Constitution, the Chief Executive or relevant Strategic Director will make the proper officer appointments across business units. In the event of any uncertainty, the Chief Executive may make or remake any proper officer appointment (save that the Chief Executive shall always make any proper officer appointments which relate to the functions of the Planning and Development Committee).

##### **4.3 Executive functions**

The Leader has determined that Strategic Directors may exercise all of those executive functions which the Executive does not reserve to itself or to an Executive Member. Subject to discretion of the Executive to amend these delegations, these functions are deemed to be delegated to the relevant Strategic Director as follows:

- a. The Chief Executive may exercise any executive function in the

absence of a relevant Strategic Director or nominate another Strategic Director to do so in the Chief Executive's absence;

- b. The Chief Executive may exercise any executive power in cases of urgency whether or not reserved to executive decision making and whether or not falling within the departmental or budget area of another Strategic Director (in accordance with the Section 4 of this Constitution the Executive are to be informed of such actions):
- c. Any Strategic Director may exercise any executive power falling within his or her departmental or budget area;
- d. Such other corporate areas of responsibility to which a Strategic Director will be nominated from time to time;
- e. The Borough Solicitor shall have authority to institute, defend or settle any legal proceedings as necessary to protect the interests of the Council.

#### **4.4 Council functions**

- a. The Chief Executive may exercise all of those Council functions that are not specifically reserved to Council for decision-making, or actions delegated by the Planning and Development Committee to the Assistant Director (Planning & Regulation) or his/her delegate
- b. The Chief Executive may exercise any Council power in cases of extreme urgency whether or not reserved for Council decision making
- c. The Borough Solicitor shall have authority to institute, defend or settle any legal proceedings as necessary to protect the interests of the Council.

#### **4.5 Exercise of officer delegations**

The Chief Executive will establish a scheme of sub-delegations that specifies the functions, names the post which may carry out that sub-delegated function, and the limits if any on the sub-delegation. The Chief Executive will periodically review sub-delegations and whenever necessary, and may change sub-delegations as (s)he sees fit. The limits on sub-delegation may include the obligation to consult, record and/or refer back to the Chief Executive, Deputy Chief Executive and/or Strategic Directors (or another officer) in certain circumstances, and are made subject to relevant policies.

The Borough Solicitor will maintain the current version of the Council's scheme of officer delegations.

**TABLE 1**  
**LIST OF FUNCTIONS THAT MAY ONLY BE EXERCISED BY THE COUNCIL**

1.	The levying or issuing of a precept for a rate and the setting of council tax and limits for borrowing money.	Local Government Finance Acts 1988 and 1992  Section 3, Local Government Act 2003
2.	The establishment and abolition of Committees, and Joint Committees (with other local authorities) and the appointment, replacement and removal of members of them other than in cases where the Executive is entitled to make appointments to Joint Committees	Local Government Act 1972  Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000
3.	Resolution to operate executive arrangements	Section 29 of the Local Government Act 2000
4.	Authorisation of applications to Secretary of State for approval of Housing Land Transfers.	Leasehold Reform and Urban Development Act 1993  Sections 32 and 43, Housing Act 1985
5.	Subject to the urgency procedure in the Standing Orders of this Constitution, to make decisions about any function of the Executive where the decision maker is minded to make a decision which would be contrary to the policy framework or not wholly in accordance with the budget.	The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended
6.	Adopting or amending a Members' Allowances Scheme	Section 18 of the Local Government and Housing Act 1989

		Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended
7.	Electing and removing the Leader	Section 11 of the Local Government Act 2000 as amended by the Local Government & Public Involvement in Health Act 2007
8.	Adoption of the Members' Code of Conduct	Section 51 of the Local Government Act 2000
9.	Approval of the appointment or dismissal of the Chief Executive	The Local Authorities (Standing Orders) (England) Regulations 2001
10.	Adoption of the Policy Framework and the Budget	The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended
11.	Changing the name of the borough	Section 74 of the Local Government Act 1972
12.	Appointment of the Mayor	Schedule 4 to the Local Government Act 1972
13.	Power to confer the title of Honorary Alderman or to admit to be an Honorary Freeman	Section 249 of the Local Government Act 1972
14.	The making, altering or revoking of standing orders except as provided for Standing Orders (subject to the Chief Executive authorising minor or consequential changes)	Sections 29, 106 and Schedule 12 Local Government Act 1972  Sections 8 and 20 Local Government and Housing Act 1989
15.	Power to make, amend, revoke or re-enact byelaws.	Any provision of any enactment (including a Local Act),

		whenever passed, and section 14 Interpretation Act 1978
16.	Power to promote or oppose local or personal Bills	Section 239 Local Government Act 1972
17.	The making of an agreement to establish a Joint Planning Committee or to prepare a joint development plan document or to request the Secretary of State to revoke an order establishing such a Joint Committee	Sections 28 to 31 Planning and Compulsory Purchase Act 2004  The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended
18.	Power to resolve not to issue a casino premises licence	Section 166 Gambling Act 2005
19.	Any other matters that by law is reserved for consideration, approval or resolution by Council	

**TABLE 2****SCHEDULE 1****FUNCTIONS NOT TO BE THE RESPONSIBILITY OF AN AUTHORITY'S  
LEADER/EXECUTIVE**

Regulation 2(1)

	<b>(1)</b>	<b>(2)</b>
	<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>
<b>A</b>	<b>Functions relating to town and country planning and development control</b>	
	1	
	2	
	3	
	4	
	5 Power to determine applications for planning permission.	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c8)
	6 Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.
	7 Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990.
	8 Power to decline to determine application for planning permission.	Section 70A of the Town and Country Planning Act 1990.
	9 Duties relating to the making of determinations of planning applications.	Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (SI 1995/419) and directions made thereunder.
	10 Power to determine applications for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (SI 1992/1492).
	11 Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (SI 1995/418).

	12 Power to enter into agreement regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.
	13 Power to issue a certificate of existing or proposed lawful use or development.	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.
	14 Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990.
	15 Power to grant consent for the display of advertisements.	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992 (SI 1992/666).
	16 Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990.
	17 Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990.
	18 Power to serve a planning contravention notice, breach of condition notice or stop notice.	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990.
	18A Power to issue a temporary stop notice.	Section 171E of the Town and Country Planning Act 1990.
	19 Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990.
	20 Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990.
	21 Power to determine applications for hazardous substances consent, and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990.
	22 Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991 (c 34), paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c 25) and paragraph 6(5) of Schedule 14 to that Act.

	23 Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990.
	24 Power to determine application for listed building consent, and related powers.	Sections 16(1) and (2), 17, and 33(1) of [the Planning (Listed Buildings and Conservation Areas) Act 1990 (c 9)].
	25 Power to determine applications for conservation area consent.	Section 16(1) of [the Planning (Listed Buildings and Conservation Areas) Act 1990 (c 9)], as applied by section 74(3) of that Act.
	26 Duties relating to applications for listed building consent and conservation area consent.	Sections 13(1) and 14(1) and (4) of [the Planning (Listed Buildings and Conservation Areas) Act 1990 (c 9)] and regulations 3 to 6 and 13 of [the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (SI 1990/1519)] and [paragraphs 8, 15 and 26 of the Department of the Environment, Transport and the Regions Circular 01/01].
	27 Power to serve a building preservation notice, and related powers.	Sections 3(1) and 4(1) of [the Planning (Listed Buildings and Conservation Areas) Act 1990 (c 9)].
	28 Power to issue enforcement notice in relation to demolition of [listed] building in conservation area.	Section 38 of [the Planning (Listed Buildings and Conservation Areas) Act 1990 (c 9)].
	29 Powers to acquire a listed building in need of repair and to serve a repairs notice.	Sections 47 and 48 of [the Planning (Listed Buildings and Conservation Areas) Act 1990 (c 9)].
	30 Power to apply for an injunction in relation to a listed building.	Section 44A of [the Planning (Listed Buildings and Conservation Areas) Act 1990 (c 9)].
	31 Power to execute urgent works.	Section 54 of [the Planning (Listed Buildings and Conservation Areas) Act 1990 (c 9)].]
<b>B</b>	<b>Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule)</b>	
	1 Power to issue licences authorising the use of land as a caravan site ("site licences").	Section 3(3) of the Caravan Sites and Control of Development Act 1960 (c 62).

	2 Power to license the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936 (c 49).
	3 Power to license hackney carriages and private hire vehicles.	(a) as to hackney carriages, the Town Police Clauses Act 1847 (10 & 11 Vict c 89), as extended by section 171 of the Public Health Act 1875 (38 & 39 Vict c 55), and section 15 of the Transport Act 1985 (c 67); and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (c 57);
		(b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
	4 Power to license drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
	5 Power to license operators of hackney carriages and private hire vehicles.	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
	6 Power to register pool promoters.	Schedule 2 to the Betting, Gaming and Lotteries Act 1963 (c 2) [as saved for certain purposes by article 3(3)(c) of the Gambling Act Order].
	7 Power to grant track betting licences.	Schedule 3 to the Betting, Gaming and Lotteries Act 1963 [as saved for certain purposes by article 3(3)(d) and (4) of the Gambling Act Order].
	8 Power to license inter-track betting schemes.	Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963 [as saved for certain purposes by article 3(3)(e) of the Gambling Act Order].
	9 Power to grant permits in respect of premises with amusement machines.	Schedule 9 to the Gaming Act 1968 (c 65) [as saved for certain purposes by article 4(2)(l) and (m) of the Gambling Act Order].
	10 Power to register societies wishing to promote lotteries.	Schedule 1 to the Lotteries and Amusements Act 1976 (c 32) [as saved for certain purposes by article

		5(2)(a) and (3) of the Gambling Act Order].
	11 Power to grant permits in respect of premises where amusements with prizes are provided.	Schedule 3 to the Lotteries and Amusements Act 1976 [as saved for certain purposes by article 5(2)(d) and (5) of the Gambling Act Order].
	12 Power to issue cinema and cinema club licences.	Section 1 of the Cinema Act 1985 (c 13).
	13 Power to issue theatre licences.	Sections 12 to 14 of the Theatres Act 1968 (c 54).
	14 Power to issue entertainments licences.	Section 12 of the Children and Young Persons Act 1933 (c 12), section 52 of, and Schedule 12 to, the London Government Act 1963 (c 33), section 79 of the Licensing Act 1964 (c 26), sections 1 to 5 and 7 of, and Parts I and II of the Schedule to, the Private Places of Entertainment (Licensing) Act 1967 (c 19) and Part I of, and Schedules 1 and 2 to, the Local Government (Miscellaneous Provisions) Act 1982 (c 30).
	14A Functions relating to licensing.	Sections 5 to 8 of the Licensing Act 2003 (c 17).]
	14AA Duty to comply with requirement to provide information to Gambling Commission.	Section 29 of the [2005 Act].]
	14AB Functions relating to exchange of information.	Section 30 of the 2005 Act.]
	14AC Functions relating to occasional use notices.	Section 39 of the 2005 Act.]
	14B Power to resolve not to issue a casino premises licence.	Section 166 of the 2005 Act.]
	14C Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises.	Section 304 of the 2005 Act.]
	14CA Power to make order disapplying section 279 or 282(1) of	Section 284 of the 2005 Act.]

	the 2005 Act in relation to specified premises.	
	14D Power to institute criminal proceedings	Section 346 of the 2005 Act.]
	14E Power to exchange information.	Section 350 of the 2005 Act.]
	14F Functions relating to the determination of fees for premises licences.	The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 (SI 2007/479).]
	14G Functions relating to the registration and regulation of small society lotteries.	Part 5 of Schedule 11 to the 2005 Act.]
	15 Power to license sex shops and sex cinemas.	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.
	16 Power to license performances of hypnotism.	The Hypnotism Act 1952 (c 46).
	17 Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.
	18 Power to license pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907 (c 53).
	19 Power to register door staff.	Paragraphs 1(2) and 9 of Schedule 12 to the London Government Act 1963 (c 33) and Part V of the London Local Authorities Act 1995 (c x).
	20 Power to license market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982, Part III of the London Local Authorities Act 1990 (c vii) and section 6 of the London Local Authorities Act 1994 (c xii)
	21 Power to license night cafes and take-away food shops.	Section 2 of the Late Night Refreshment Houses Act 1969 (c 53), Part II of the London Local Authorities Act 1990 and section 5 of the London Local Authorities Act 1994.
	22 Duty to keep list of persons entitled to sell non-medicinal poisons.	Sections 3(1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972 (c 66).

	<p>23 Power to license dealers in game and the killing and selling of game.</p>	<p>Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831 (c 32); sections 2 to 16 of the Game Licensing Act 1860 (c 90), section 4 of the Customs and Inland Revenue Act 1883 (c 10), sections 12(3) and 27 of the Local Government Act 1874 (c 73), and section 213 of the Local Government Act 1972 (c 70).</p>
	<p>24 Power of register and license premises for the preparation of food.</p>	<p>Section 19 of the Food Safety Act 1990 (c 16).</p>
	<p>25 Power to license scrap yards.</p>	<p>Section 1 of the Scrap Metal Dealers Act 1964 (c 69).</p>
	<p>26 Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.</p>	<p>The Safety of Sports Grounds Act 1975 (c 52).</p>
	<p>27 Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.</p>	<p>Part III of the Fire Safety and Safety of Places of Sport Act 1987 (c 27).</p>
	<p>28 Power to issue fire certificates.</p>	<p>Section 5 of the Fire Precautions Act 1971 (c 40).</p>
	<p>29 Power to license premises for the breeding of dogs.</p>	<p>Section 1 of the Breeding of Dogs Act 1973 (c 60) and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999 (c 11).</p>
	<p>30 Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.</p>	<p>Section 1 of the Pet Animals Act 1951 (c 35); section 1 of the Animal Boarding Establishments Act 1963 (c 43); the Riding Establishments Acts 1964 and 1970 (1964 c 70 and 1970 c 70); section 1 of the Breeding of Dogs Act 1973 (c 60), and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.</p>
	<p>31 Power to register animal trainers and exhibitors.</p>	<p>Section 1 of the Performing Animals (Regulation) Act 1925 (c 38).</p>
	<p>32 Power to license zoos.</p>	<p>Section 1 of the Zoo Licensing Act 1981 (c 37).</p>

	33 Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976 (c 38).
	34 Power to license knackers' yards.	Section 4 of the Slaughterhouses Act 1974. See also the Animal By-Products Order 1999 (SI 1999/646).
	35 Power to license the employment of children.	Part II of the Children and Young Persons Act 1933 (c 33), byelaws made under that Part, and Part II of the Children and Young Persons Act 1963 (c 37).
	36 Power to approve premises for the solemnisation of marriages.	Section 46A of the Marriage Act 1949 (c 76) and the Marriages (Approved Premises) Regulations 1995 (S I 1995/510).
	37 Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to--	Regulation 6 of the Commons Registration (New Land) Regulations 1969 (SI 1969/1843).
	(a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c 67) or	
	(b) an order under section 147 of the Inclosure Act 1845 (c 8 & 9 Vict c 118).	
	38 Power to register variation of rights of common.	Regulation 29 of the Commons Registration (General) Regulations 1966 (SI 1966/1471).
	39 Power to license persons to collect for charitable and other causes.	Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916 (c 31) and section 2 of the House to House Collections Act 1939 (c 44).
	40 Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c 40).
	41 Power to grant a street works licence.	Section 50 of the New Roads and Street Works Act 1991 (c 22).
	42 Power to license agencies for the supply of nurses.	Section 2 of the Nurses Agencies Act 1957 (c 16).

	43 Power to issue licences for the movement of pigs.	Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (SI 1995/11).
	44 Power to license the sale of pigs.	Article 13 of the Pigs (Records, Identification and Movement) Order 1995.
	45 Power to license collecting centres for the movement of pigs.	Article 14 of the Pigs (Records, Identification and Movement) Order 1995.
	46 Power to issue a licence to move cattle from a market.	Article 5(2) of the Cattle Identification Regulations 1998 (SI 1998/871).
	46A Power to grant permission for provision, etc of services, amenities, recreation and refreshment facilities on highway, and related powers.	Sections 115E, 115F and 115K of the Highways Act 1980.
	47A Duty to publish notice in respect of proposal to grant permission under section 115E of the Highways Act 1980.	Section 115G of the Highways Act 1980.]
	47 Power to permit deposit of builder's skip on highway.	Section 139 of the Highways Act 1980 (c 66).
	48 Power to license planting, retention and maintenance of trees etc in part of highway.	Section 142 of the Highways Act 1980.
	49 Power to authorise erection of stiles etc on footpaths or bridleways.	Section 147 of the Highways Act 1980.
	50 Power to license works in relation to buildings etc which obstruct the highway.	Section 169 of the Highways Act 1980.
	51 Power to consent to temporary deposits or excavations in streets.	Section 171 of the Highways Act 1980.
	52 Power to dispense with obligation to erect hoarding or fence.	Section 172 of the Highways Act 1980.
	53 Power to restrict the placing of rails, beams etc over highways.	Section 178 of the Highways Act 1980.

	54 Power to consent to construction of cellars etc under street.	Section 179 of the Highways Act 1980.
	55 Power to consent to the making of openings into cellars etc under streets, and pavement lights and ventilators.	Section 180 of the Highways Act 1980.
	56 Power to sanction use of parts of buildings for storage of celluloid.	Section 1 of the Celluloid and Cinematograph Film Act 1922 (c 35).
	57 Power to approve meat product premises.	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994 (SI 1994/3082).
	58 Power to approve premises for the production of minced meat or meat preparations.	Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (SI 1995/3205).
	59 Power to approve dairy establishments.	Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995 (SI 1995/1086).
	60 Power to approve egg product establishments.	Regulation 5 of the Egg Products Regulations 1993 (SI 1993/1520).
	61 Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.	Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995 (SI 1995/1763).
	62 Power to approve fish products premises.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (SI 1998/994).
	63 Power to approve dispatch or purification centres.	Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
	64 Power to register fishing vessels on board which shrimps or molluscs are cooked.	Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
	65 Power to approve factory vessels and fishery product establishments.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.

	66 Power to register auction and wholesale markets.	Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
	67 Duty to keep register of food business premises.	Regulation 5 of the Food Premises (Registration) Regulations 1991 (SI 1991/2828).
	68 Power to register food business premises.	Regulation 9 of the Food Premises (Registration) Regulations 1991.
	69 Power to issue near beer licence.	Sections 16 to 19 and 21 of the London Local Authorities Act 1995 (c x) and, to the extent that it does not have effect by virtue of regulation 2(3), section 25 of that Act.
	70 Power to register premises or stalls for the sale of goods by way of competitive bidding	Section 28 of the Greater London Council (General Powers) Act 1984 (c xxvii).]
	71 Power to register motor salvage operators.	Part I of the Vehicles (Crime) Act 2001 (c 3).]
	72 Functions relating to the registration of common land and town or village greens.	Part I of the Commons Act 2006 (c 26) and the Commons Registration (England) Regulations 2008 (SI 2008/1961).]
<b>C</b>	<b>Functions relating to health and safety at work</b>	
	Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.	Part I of the Health and Safety at Work etc Act 1974 (c 37).
<b>D</b>	<b>Functions relating to elections</b>	
	1 Duty to appoint an electoral registration officer.	Section 8(2) of the Representation of the People Act 1983 (c 2).
	2 Power to assign officers in relation to requisitions of the registration officer.	Section 52(4) of the Representation of the People Act 1983.

	3 Functions in relation to parishes and parish councils.	Part II of the Local Government and Rating Act 1997 (c 29) and subordinate legislation under that Part.
	4 Power to dissolve small parish councils.	Section 10 of the Local Government Act 1972.
	5 Power to make orders for grouping parishes, dissolving groups and separating parishes from groups.	Section 11 of the Local Government Act 1972.
	6 Duty to appoint returning officer for local government elections.	Section 35 of the Representation of the People Act 1983.
	7 Duty to provide assistance at European Parliamentary elections.	[Section 6(7) and (8) of the European Parliamentary Elections Act 2002 (c 24).]
	8 Duty to divide constituency into polling districts.	[Sections 18A to 18E of, and Schedule A1 to,] of the Representation of the People Act 1983.
	9 Power to divide electoral divisions into polling districts at local government elections.	Section 31 of the Representation of the People Act 1983.
	10 Powers in respect of holding of elections.	Section 39(4) of the Representation of the People Act 1983.
	11 Power to pay expenses properly incurred by electoral registration officers.	Section 54 of the Representation of the People Act 1983.
	12 Power to fill vacancies in the event of insufficient nominations.	Section 21 of the Representation of the People Act 1985.
	13 Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Act 1972.
	14 Duty to give public notice of a casual vacancy.	Section 87 of the Local Government Act 1972.
	15 Power to make temporary appointments to parish councils.	Section 91 of the Local Government Act 1972.
	16 . . .	. . .
	17 Power to submit proposals to the Secretary of State for an order under	Section 10 of the Representation of the People Act 2000 (c 2).

	section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.	
	18 Duty to consult on change of scheme for elections.	Sections 33(2), 38 (2) and 40(2) of the 2007 Act.
	19 Duties relating to publicity.	Sections 35, 41 and 52 of the 2007 Act.
	20 Duties relating to notice to Electoral Commission.	Sections 36 and 42 of the 2007 Act.
	21 Power to alter years of ordinary elections of parish councillors.	Section 53 of the 2007 Act.
	22 Functions relating to change of name of electoral area.	Section 59 of the 2007 Act.]
<b>E</b>	<b>Functions relating to name and status of areas and individuals</b>	
	1 Power to change the name of a county, district or London borough.	Section 74 of the Local Government Act 1972.
	2 Power to change the name of a parish.	Section 75 of the Local Government Act 1972.
	3 Power to confer title of honorary alderman or to admit to be an honorary freeman.	Section 249 of the Local Government Act 1972.
	4 Power to petition for a charter to confer borough status.	Section 245b of the Local Government Act 1972.
	<b>EB Functions relating to community governance</b>	
	<b>(1)</b>	<b>(2)</b>
	<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>
	1 Duties relating to community governance reviews.	Section 79 of the 2007 Act.
	2 Functions relating to community governance petitions.	Sections 80, 83 to 85 of the 2007 Act.
	3 Functions relating to terms of reference of review.	Sections 81(4) to (6).

	4 Power to undertake a community governance review.	Section 82 of the 2007 Act.
	5 Functions relating to making of recommendations.	Sections 87 to 92 of the 2007 Act.
	6 Duties when undertaking review.	Section 93 to 95 of the 2007 Act.
	7 Duty to publicise outcome of review.	Section 96 of the 2007 Act.
	8 Duty to send two copies of order to Secretary of State and Electoral Commission.	Section 98(1) of the 2007 Act.
	9 Power to make agreements about incidental matters.	Section 99 of the 2007 Act.]
<b>F</b>	<b>Power to make, amend, revoke, re-enact or enforce byelaws]</b>	Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978 (c 30).
	<b>FA Functions relating to smoke-free premises, etc</b>	
	<b>(1)</b>	<b>(2)</b>
	<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>
	1 Duty to enforce Chapter 1 and regulations made under it.	Section 10(3) of the 2006 Act.
	2 Power to authorise officers.	Section 10(5) of, and paragraph 1 of Schedule 2 to, the 2006 Act.
	3 Functions relating to fixed penalty notices.	Paragraphs 13, 15 and 16 of Schedule 1 to the 2006 Act.
		Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007 (SI 2006/760).
	4 Power to transfer enforcement functions to another enforcement authority.	Smoke-free (Premises and Enforcement) Regulations 2006 (SI 2006/3368).]
<b>G</b>	<b>Power to promote or oppose local or personal Bills</b>	Section 239 of the Local Government Act 1972.
<b>H</b>	<b>Functions relating to pensions etc</b>	

	1 Functions relating to local government pensions, etc	Regulations under section 7, 12 or 24 of the Superannuation Act 1972 (c 11).
	2 Functions under the Fire-fighters' Pension Scheme relating to pensions, etc as respects persons employed by fire and rescue authorities pursuant to section 1 of the Fire and Rescue Services Act 2004	Sections 34 and 36 of the Fire and Rescue Services Act 2004 (c21).
<b>I</b>	<b>Miscellaneous functions</b>	
	<b>(1) Function</b>	<b>(2) Provision of Act or Statutory Instrument</b>
	<i>Part I: functions relating to public rights of way</i>	
	1 Power to create footpath[, bridleway or restricted byway] by agreement.	Section 25 of the Highways Act 1980 (c66)
	2 Power to create footpaths[, bridleways and restricted byways].	Section 26 of the Highways Act 1980.
	3 Duty to keep register of information with respect to maps, statements and declarations.	Section 31A of the Highways Act 1980.
	4 Power to stop up footpaths[, bridleways and restricted byways].	Section 118 of the Highways Act 1980.
	5 Power to determine application for public path extinguishment order.	Sections 118ZA and 118C(2) of the Highways Act 1980.
	6 Power to make a rail crossing extinguishment order.	Section 118A of the Highways Act 1980.
	7 Power to make a special extinguishment order.	Section 118B of the Highways Act 1980.
	8 Power to divert footpaths[, bridleways and restricted byways].	Section 119 of the Highways Act 1980.
	9 Power to make a public path diversion order.	Section 119ZA and 119C(\$ ) of the Highways Act 1980.
	10 Power to make a rail crossing diversion order.	Section 119A of the Highways Act 1980.

	11 Power to make a special diversion order.	Section 119B of the Highways Act 1980.
	12 Power to require applicant for order to enter into agreement.	Section 119C(3) of the Highways Act 1980.
	13 Power to make an SSSI diversion order.	Section 119D of the Highways Act 1980.
	14 Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980.	Section 121B of the Highways Act 1980.
	15 Power to decline to determine certain applications.	Section 121C of the Highways Act 1980.
	16 Duty to assert and protect the rights of the public to use and enjoyment of highways.	Section 130 of the Highways Act 1980.
	17 Duty to serve notice of proposed action in relation to obstruction.	Section 130A of the Highways Act 1980.
	18 Power to apply for variation of order under section 130B of the Highways Act 1980.	Section 130B(7) of the Highways Act 1980.
	19 Power to authorise temporary disturbance of surface of footpath[, bridleway or restricted byway].	Section 135 of the Highways Act 1980.
	20 Power temporarily to divert footpath[, bridleway or restricted byway].	Section 135A of the Highways Act 1980.
	21 Functions relating to the making good of damage and the removal of obstructions.	Section 135B of the Highways Act 1980.
	22 Powers relating to the removal of things so deposited on highways as to be a nuisance.	Section 149 of the Highways Act 1980.
	23 Power to extinguish certain public rights of way.	Section 32 of the Acquisition of Land Act 1981 (c67).
	24 Duty to keep definitive map and statement under review.	Section 53 of the Wildlife and Countryside Act 1981 (c 69).

	25 Power to include modifications in other orders.	Section 53A of the Wildlife and Countryside Act 1981.
	26 Duty to keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981.	Section 53B of the Wildlife and Countryside Act 1981.
	27	
	28 Power to prepare map and statement by way of consolidation of definitive map and statement.	Section 57A of the Wildlife and Countryside Act 1981.
	29 Power to designate footpath as cycle track.	Section 3 of the Cycle Tracks Act 1984 (c 38).
	30 Power to extinguish public right of way over land acquired for clearance.	Section 294 of the Housing Act 1981 (c 68).
	30A Power to authorise stopping up or diversion of highway.	Section 247 of the Town and Country Planning Act 1990 (c 8).
	31 Power to authorise stopping-up or diversion of footpath[, bridleway or restricted byway].	Section 257 of the Town and Country Planning Act 1990.
	32 Power to extinguish public rights of way over land held for planning purposes.	Section 258 of the Town and Country Planning Act 1990.
	33 Power to enter into agreements with respect to means of access.	Section 35 of the Countryside and Rights of Way Act 2000 (c 37).
	34 Power to provide access in absence of agreement.	Section 37 of the Countryside and Rights of Way Act 2000.
	<i>Part II: other miscellaneous functions</i>	
	35 Functions relating to sea fisheries.	Sections 1, 2, 10 and 19 of the Sea Fisheries Regulation Act 1966 (c 38).
	36 Power to make standing orders.	Section 106 of, and paragraph 42 of Schedule 12 to the Local Government Act 1972 (c 70).
	37 Power to appoint staff, and to determine the terms and conditions on which they hold office (including	Section 112 of the Local Government Act 1972.

	procedures for their dismissal).	
	38 Power to make standing orders as to contracts.	Section 135 of the Local Government Act 1972.
	39 Duty to make arrangements for proper administration of financial affairs etc.	Section 151 of the Local Government Act 1972.
	40 Power to appoint officers for particular purposes (appointment of "proper officers").	Section 270(3) of the Local Government Act 1972.
	41 Power to make limestone pavement order.	Section 34(2) of the Wildlife and Countryside Act 1982 (c 69).
	42 Power to make closing order with respect to take-away food shops.	Section 4 of the Local Government (Miscellaneous Provisions) Act 1982 (c 30)
	43 Duty to designate officer as the head of the authority's paid service, and to provide staff, etc.	Section 4(1) of the Local Government and Housing Act 1989 (c 42).
	44 Duty to designate officer as the monitoring officer, and to provide staff, etc.	Section 5(1) of the Local Government and Housing Act 1989.
	44A Duty to provide staff, etc to person nominated by monitoring officer.	Sections 82A(4) and (5) of the Local Government Act 2000.
	44B Powers relating to overview and scrutiny committees (voting rights of co-opted members).	Paragraphs 12 and 14 of Schedule 1 to the Local Government Act 2000.
	45 Duty to approve authority's statement of accounts, income and expenditure and balance sheet, or record of payments and receipts (as the case may be).	The Accounts and Audit Regulations 1996 (S1 1996/590).
	46 Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S1 1997/1160).
	47 Powers relating to the preservation of trees.	Sections 197 to 214D of the Town and Country Planning Act 1990, and the Trees Regulations 1999 (S1 1999/1892).

	47A Powers relating to complaints about high hedges.	Part 8 of the Anti-Social Behaviour Act 2003.
	48 Power to make payments or provide other benefits in cases of maladministration etc.	Section 92 of the Local Government Act 2000.
	49 Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption.	Section 13(2) of the Criminal Justice and Police Act 2001 (c 16).
	50 Power to make or revoke an order designating a locality as an alcohol disorder zone.	Section 16 of the Violent Crime Reduction Act 2006 (c 38).
	51 Power to apply for an enforcement order against unlawful works on common land.	Section 41 of the Commons Act 2006.
	52 Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference.	Section 45(2)(a) of the Commons Act 2006.
	53 Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens.	Section 45(2)(b) of the Commons Act 2006.

**TABLE 3****Responsibility for Local Choice Functions**

	<b>Function</b>	<b>Decision making body</b>
1.	Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1	Leader / Executive
2.	The determination of an appeal against any decision made by or on behalf of the Authority	General Purposes Committee Appeals & Grievances Panel Strategic Directors <i>In accordance with terms of reference/delegated authority</i>
3.	The appointment of review boards under regulations under subsection (4) of section 34 (determination of claims and reviews) of the Social Security Act 1998	Council
4.	Any function relating to contaminated land	Planning & Development Committee
5.	The discharge of any function relating to the control of pollution or the management of air quality	Leader / Executive
6.	The service of an abatement notice in respect of a statutory nuisance	Leader / Executive
7.	The passing of a resolution that Schedule 2 to the Nuisance and Statutory Nuisance Act 1993 should apply in the authority's area	Leader / Executive
8.	The inspection of the authority's area to detect any statutory nuisance	Leader / Executive
9.	The investigation of any complaint as to the existence of a statutory nuisance	Leader / Executive
10.	The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land	Planning & Development Committee
11.	The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976	Leader / Executive

<p>12.</p>	<p>The appointment of any individual officer –</p> <p>(a) to any office other than an office in which he/she is employed by the authority</p> <p>(b) to any body other than: (i) the authority; (ii) a joint committee of two or more authorities; or</p> <p>(c) to any committee or sub-committee of such a body, and the revocation of any such appointment.</p>	<p>Council (if Council business) Executive (if an Executive function)</p>
<p>13.</p>	<p>The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities</p>	<p>Leader / Executive</p>
<p>14.</p>	<p>Functions under S.106, 110 &amp; 113 of the Local Government and Public Involvement in Health Act 2007 relating to Local Area Agreements</p>	<p>Leader / Executive</p>

**TABLE 4**

**FUNCTIONS NOT TO BE THE SOLE RESPONSIBILITY OF THE LEADER / EXECUTIVE**

1.	Best Value Performance Plan	Section 6(1) Local Government Act 1999 (c27)
2.	Crime and Disorder Reduction Strategy	Sections 5 and 6 Crime and Disorder Act 1998 (c37)
3.	Development Plan Documents	Section 15 Planning and Compulsory Purchase Act 2004
4.	Licensing Authority Policy Statement	Section 349 Gambling Act 2005
5.	Plans and alterations which together comprise the Development Plan	Section 45 Town and Country Planning Act 1990 (c8)
6.	Sustainable Community Strategy	Section 4 Local Government Act 2000

1. The Leader / Executive is responsible for formulating or preparing the plans in the above table and then submitting them to the Council for adoption or approval.
2. The Leader / Executive or a member of the Executive may not in relation to those plans or strategies listed above do the following:
  - a. Give an instruction requiring the Leader / Executive to reconsider any draft plan or strategy submitted by the Leader/ Executive for consideration by the Council;
  - b. Amend any draft plan or strategy submitted by the Leader / Executive for consideration by the Council;
  - c. Approve, for the purpose of its submission to the Secretary of State for independent examination, a development plan document;
  - d. Approve, for the purposes of its submission to the Secretary of State or any Minister of the Crown for his or her approval, any such plan or strategy required to be so submitted for approval; nor
  - e. Adopt with or without modification the plan or strategy.
3. The Leader / Executive may amend, modify, revise, vary, withdraw or revoke any such plan or strategy only where such amendment, modification, revision, variation, withdrawal or revocation is:
  - a. Required for giving effect to any requirements of the Secretary

- of State or a Minister of the Crown in relation to any such plan or part thereof submitted to him or her for approval; or
- b. In the case of Development Plan Documents recommended by the person carrying out an independent examination of any such document.

4. The Leader / Executive may make an application:
  - a. Under subsection (5) of section 135 (programmes for disposals) of the Leasehold Reform, Housing and Urban Development Act 1993 for the inclusion of a disposal in a disposal programme; and
  - b. For consent to that disposal under section 32 (power to dispose of land held for the purposes of Part II) or section 43 (consent required for certain disposals not within section 32) of the Housing Act 1985.

PROVIDED that the Council has authorised the making of such an application.

5. The following shall, subject to paragraph 6 below, be the responsibility of the Council, to make any calculation required to be made in accordance with sections 32 to 37, 43 to 49, 52I, 52J, 52T and 52U of the Local Government Finance Act 1992 whether originally or by way of substitute.
6. In relation to those functions listed in the paragraph above the Leader / Executive may:
  - a. Prepare estimates of the amounts to be aggregated in making the calculation or of other amounts to be used for the purposes of the calculation and estimates of the calculation for submission to the appropriate part of the Council for consideration;
  - b. Prepare the amounts required to be stated in the precept for submission to the appropriate part of the Council for consideration;
  - c. Reconsider those estimates and amounts in accordance with the Council's requirements; and
  - d. Submit for the consideration by the appropriate part of the Council the revised estimates and amounts.
7. The discharge of functions under Sections 28 to 31 of the Planning and Compulsory Purchase Act 2004 (joint local development documents and joint committees) shall, subject to paragraph 8 below, be the responsibility of the Leader / Executive.
8. In relation to the functions listed in paragraph 7 above the Leader / Executive may not:
  - a. Make an agreement to prepare one or more joint development

- plan documents;
  - b. Make an agreement to establish a joint committee to be, for the purposes of Part 2 (local development) of the 2004 Act, the local planning authority;
  - c. Where the authority is a constituent authority to a joint committee, make an agreement that the joint committee is to be, for the purposes of Part 2 of the 2004 Act, the local planning authority for any area or matter which is not the subject of an order under section 29 of the 2004 Act or an earlier agreement under section 30 of the 2004 Act; or
  - d. Make a request to the Secretary of State for the revocation of an order constituting a joint committee as the local planning authority for any area or in respect of any matter.
9. Where a function which is subject to an Order made under section 70 of the Deregulation and Contracting Out Act 1994 is the responsibility of the Leader / Executive, then the Executive may authorise another person to exercise that function and may revoke any such authorisation.
10. Where a function which is subject to an Order made under section 70 of the Deregulation and Contracting Out Act 1994 is not the responsibility of the Leader / Executive then the Executive may not authorise another person to exercise that function and may not revoke any such authorisation.

**APPENDIX A**

**EXECUTIVE, COMMITTEES AND SUB-COMMITTEES – MEMBERSHIP**

<b>BODY</b>	<b>MEMBERS</b>
<p><b>Executive</b> (8 Members)</p>	<ul style="list-style-type: none"> <li>• The Leader of the Council - Councillor Sharon Taylor, OBE, CC</li> <li>• Councillor Richard Henry – Deputy Leader and Culture, Leisure, Children &amp; Young People</li> <li>• Councillor Sandra Barr – Communities, Neighbourhoods and Co-operative Council</li> <li>• Councillor Lloyd Briscoe - Economy, Enterprise and Transport</li> <li>• Councillor Mrs Joan Lloyd - Resources and Information Technology</li> <li>• Councillor Jackie Hollywell - Community Safety, Equalities, Health and Older People</li> <li>• Councillor Simon Speller – Environment and Climate Change</li> <li>• Councillor Jeannette Thomas – Housing and Housing Development</li> </ul> <p>With the Leader holding specific responsibility for Local Government Reorganisation, the Constitution, Regeneration (Town Centres &amp; Neighbourhood Centres), Town Centre Management, Media and Communications, Public Consultations, Partnerships, Town Twinning, Member Services and the Civic Suite and the Modern Member Programme.</p>
<p><b>Appeals, Grievance and Litigation Committee</b> (4 Members)</p>	<p><b>Councillors:</b></p> <ul style="list-style-type: none"> <li>▪ Mrs J Lloyd (Chair)</li> <li>▪ S Speller</li> <li>▪ S Taylor, OBE, CC</li> <li>▪ J Thomas</li> </ul>
<p><b>Housing Development and Regeneration Working Group</b> (5 Members)</p>	<p><b>Councillors:</b></p> <ul style="list-style-type: none"> <li>▪ R Henry</li> <li>▪ Mrs J Lloyd</li> <li>▪ S Speller</li> <li>▪ S Taylor, OBE, CC</li> <li>▪ J Thomas</li> </ul>
<p><b>Commercial and Investment Working Group</b> (5 Members)</p>	<p><b>Councillors:</b></p> <ul style="list-style-type: none"> <li>▪ Mrs J Lloyd (Chair)</li> <li>▪ L Briscoe</li> <li>▪ S Speller</li> <li>▪ S Taylor, OBE, CC</li> <li>▪ J Thomas</li> </ul>

<p><b>Stevenage and East Herts Joint Executive Revenues and Benefits Shared Service Committee</b></p>	<p><b>Councillors:</b></p> <ul style="list-style-type: none"> <li>▪ Mrs J Lloyd (Chair – when appropriate)</li> <li>▪ L Briscoe</li> <li>▪ J Thomas</li> </ul> <p>Substitute Member – Councillor J Hollywell</p>
<p><b>Stevenage and East Herts Joint ICT Committee</b></p>	<p><b>Councillors:</b></p> <ul style="list-style-type: none"> <li>▪ Mrs J Lloyd (Chair – when appropriate)</li> <li>▪ S Taylor OBE, CC</li> <li>▪ J Thomas</li> </ul>
<p><b>Stevenage, North Herts, East Herts and Hertsmere Joint CCTV Committee</b></p>	<p><b>Councillors:</b></p> <ul style="list-style-type: none"> <li>▪ J Hollywell (Chair – when appropriate)</li> <li>▪ R Henry</li> <li>▪ Mrs J Lloyd</li> </ul>
<p><b>Overview and Scrutiny Committee</b> (14 Members)</p>	<p><b>Councillors:</b></p> <ul style="list-style-type: none"> <li>▪ L Martin-Haugh (Chair)</li> <li>▪ P Bibby, CC (Vice-Chair)</li> <li>▪ R Broom</li> <li>▪ J Brown</li> <li>▪ M Creasey</li> <li>▪ M Downing</li> <li>▪ B Facey</li> <li>▪ W Kerby</li> <li>▪ A McGuinness</li> <li>▪ S Mead</li> <li>▪ R Parker, CC</li> <li>▪ C Parris</li> <li>▪ L Rossati</li> <li>▪ A Wells</li> </ul>
<p><b>Community Select Committee</b> (10 Members)</p>	<p><b>Councillors:</b></p> <ul style="list-style-type: none"> <li>▪ S Mead (Chair)</li> <li>▪ A Farquharson (Vice-Chair)</li> <li>▪ S Booth</li> <li>▪ A Brown</li> <li>▪ J Brown</li> <li>▪ N Chowdhury</li> <li>▪ J Duncan</li> <li>▪ L Harrington</li> <li>▪ W Kerby</li> <li>▪ A Wells</li> </ul>

<p><b>Environment and Economy Select Committee</b> (11 Members)</p>	<p><b>Councillors:</b></p> <ul style="list-style-type: none"> <li>▪ R Broom (Chair)</li> <li>▪ A Mitchell, CC (Vice-Chair)</li> <li>▪ J Ashley-Wren</li> <li>▪ S Booth</li> <li>▪ A Brown</li> <li>▪ J Brown</li> <li>▪ M Creasey</li> <li>▪ M Downing</li> <li>▪ B Facey</li> <li>▪ C Parris</li> <li>▪ L Rossati</li> </ul>
<p><b>Planning and Development Committee</b> (14 Members)</p>	<p><b>Councillors:</b></p> <ul style="list-style-type: none"> <li>▪ M Downing (Chair)</li> <li>▪ A Brown (Vice-Chair)</li> <li>▪ J Ashley-Wren</li> <li>▪ S Barr</li> <li>▪ T Callaghan</li> <li>▪ M Creasey</li> <li>▪ C Howells</li> <li>▪ G Lawrence, CC</li> <li>▪ Mrs J Lloyd</li> <li>▪ M McKay</li> <li>▪ A Mitchell, CC</li> <li>▪ C Parris</li> <li>▪ G Snell</li> <li>▪ A Wells</li> </ul>
<p><b>Licensing Committee</b> (14 Members)</p>	<p><b>Councillors:</b></p> <ul style="list-style-type: none"> <li>▪ M McKay (Chair)</li> <li>▪ L Rossati (Vice-Chair)</li> <li>▪ M Arceno</li> <li>▪ R Broom</li> <li>▪ N Chowdhury</li> <li>▪ J Duncan</li> <li>▪ B Facey</li> <li>▪ L Harrington</li> <li>▪ C Howells</li> <li>▪ G Lawrence, CC</li> <li>▪ A McGuinness</li> <li>▪ L Martin-Haugh</li> <li>▪ C Parris</li> <li>▪ G Snell</li> </ul>

<p><b>General Purposes Committee</b> (14 Members)</p>	<p><b>Councillors:</b></p> <ul style="list-style-type: none"> <li>▪ M McKay (Chair)</li> <li>▪ L Rossati (Vice-Chair)</li> <li>▪ M Arceno</li> <li>▪ R Broom</li> <li>▪ N Chowdhury</li> <li>▪ J Duncan</li> <li>▪ B Facey</li> <li>▪ L Harrington</li> <li>▪ C Howells</li> <li>▪ G Lawrence, CC</li> <li>▪ A McGuinness</li> <li>▪ L Martin-Haugh</li> <li>▪ C Parris</li> <li>▪ G Snell</li> </ul>
<p><b>Appointments Committee</b> (8 Members)</p>	<p><b>Councillors:</b></p> <ul style="list-style-type: none"> <li>▪ S Taylor, OBE, CC (Chair)</li> <li>▪ S Barr</li> <li>▪ P Bibby, CC</li> <li>▪ R Henry</li> <li>▪ G Lawrence, CC</li> <li>▪ R Parker, CC</li> <li>▪ S Speller</li> <li>▪ J Thomas</li> </ul>
<p><b>Standards Committee</b> (8 Members)</p>	<p><b>Councillors:</b></p> <ul style="list-style-type: none"> <li>▪ Mrs J Lloyd (Chair)</li> <li>▪ M Arceno</li> <li>▪ P Bibby, CC</li> <li>▪ G Lawrence, CC</li> <li>▪ L Martin-Haugh</li> <li>▪ S Speller</li> <li>▪ S Taylor, OBE, CC</li> <li>▪ T Wren</li> </ul> <p>Independent Person who must be consulted on alleged breaches to the Code of Conduct – Dr Robert Cawley</p>
<p><b>Audit Committee</b> (10 Members)</p>	<p><b>Councillors:</b></p> <ul style="list-style-type: none"> <li>▪ T Callaghan (Chair)</li> <li>▪ J Gardner (Vice-Chair)</li> <li>▪ M Arceno</li> <li>▪ S Booth</li> <li>▪ A Farquharson</li> <li>▪ J Hollywell</li> <li>▪ G Lawrence, CC</li> <li>▪ M McKay</li> <li>▪ L Rossati</li> <li>▪ T Wren</li> </ul> <p>Mr Geoff Gibbs (Independent, Co-opted Member)</p>

<b>Statement of Accounts Committee</b> (8 Members)	<b>Councillors:</b> <ul style="list-style-type: none"><li>▪ Mrs J Lloyd (Chair)</li><li>▪ P Bibby, CC</li><li>▪ L Briscoe</li><li>▪ S Mead</li><li>▪ A Mitchell, CC</li><li>▪ G Snell</li><li>▪ S Taylor, OBE CC</li><li>▪ J Thomas</li></ul>
<b>Joint Consultative Committee</b> (Employer Side) (3 Members)	<b>Councillors:</b> <ul style="list-style-type: none"><li>▪ Mrs J Lloyd (Employer Side Chair)</li><li>▪ P Bibby, CC</li><li>▪ R Broom</li></ul>

**PART 4**  
**RULES OF PROCEDURE**

# **STEVENAGE BOROUGH COUNCIL**

## **GENERAL STANDING ORDERS**

## STEVENAGE BOROUGH COUNCIL

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## DEFINITIONS

These definitions are necessary to make sense of Standing Orders:

'1972 Act'	means the Local Government Act 1972
'1989 Act'	means the Local Government and Housing Act 1989
'2000 Act'	means the Local Government Act 2000
'Chair'	means the elected Chair or in his/her absence the Vice-Chair of a Committee. The term includes a Member elected to preside in the absence of the Chair or Vice Chair.
'Clear Working Days'	excludes: Saturday Sunday Bank and Public Holidays where relevant, the day of despatch of an agenda, summons or notice where relevant, the day of the meeting
'Committee'	means any Committee, Sub-Committee, Panel, Working Party or Board, formally established, whether or not it includes co-opted Members, unless otherwise indicated
'Confidential Information'	has the meaning given to it in section 100A(3) of the 1972 Act
'Executive' (The)	the body appointed by Council to undertake Executive functions, as detailed in the Local Government Act 2000
'Executive Member'	a Member serving on the Council appointed Executive
'Exempt Information'	has the meaning given to it by section 100I of the 1972 Act
'Key Decision'	an Executive decision as defined in Article 13 of the Constitution
'Member'	means an elected Member of the Council or of a Committee as appropriate. It includes the co-opted Members of Committees
'Notice in Writing'	includes notice sent by post, fax or email
'Ordinary Meeting'	means a meeting of the Council, Executive or Committee, as the case may be which is included in the calendar of meetings approved by the Council except the Annual Meeting of the Council

'Political Group'	means political groups as defined in the Local Government (Committees and Political Groups) Regulations 1990. Essentially it covers any group of two or more Members who have notified the Chief Executive in writing that they wish to be treated as a political group
'Senior Officer'	means an officer employed by the Council on Senior Officer Salary scale or above
'Standing Order'	means these Standing Orders and any reference to a particular numbered Standing Order will be construed accordingly
'Urgent matter'	means a matter which is to be considered at a meeting of the Council, the Executive, a Committee or a Sub-Committee by virtue of section 100B(4)(b) of the 1972 Act  In addition these Standing Orders and other rules of procedure detailed in this section of the Constitution provide for urgent matters to be dealt with outside the formal Council, Executive or Committee setting
'Year'	means a municipal year running from one Annual Meeting of the Council until the next, unless a calendar year or a year commencing on any other date is specified

**STEVENAGE BOROUGH COUNCIL**

**STANDING ORDERS**

**1. COMPLIANCE WITH STANDING ORDERS**

Every meeting of a body formally established by the Council and both Members and officers shall comply with these Standing Orders and the Council's Constitution.

Copies of the Council's Constitution, including these Standing Orders, shall be made available to every elected Member upon their signing the 'declaration of acceptance of office' and to co-opted Members upon their appointment.

These Standing Orders should be read in conjunction with the remainder of the Council's Constitution.

## **PART 1 – COUNCIL MEETINGS**

### **2. Meetings**

The Annual Meeting of the Council and all ordinary meetings of the Council shall be held at the Council Offices. Subject to any legislative requirements, the meetings shall be held on dates and times in accordance with a programme of meetings approved annually. The Annual Council meeting must be held between 8 and 21 days after the retirement of Councillors in an election year, and in March to May in other years.

The Chief Executive (in consultation with the Mayor) may alter the date, time or place fixed for the holding of a meeting where he/she considers that a material change in circumstances makes it necessary.

Those listed below may request the Chief Executive 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.

Meetings summonsed under these provisions will be called extraordinary meetings. Such extraordinary meetings shall be held at 7.00pm or fifteen minutes after the end of any other meeting taking place that evening, or at such other reasonable time as the Mayor or five Members concerned may determine.

The Chief Executive will give notice to Members and the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the Chief Executive will send a summons signed by him or her by post to every Member of the Council or leave it at their usual place of residence.

The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

### **3. Chairing Meetings**

Any power or duty which the Mayor has for conducting a Council meeting can be exercised by the Deputy Mayor or any other Member elected to chair a meeting in their absence.

#### **4. Leadership of the Council/Leadership of political groups and Opposition**

A Member of the Council will be elected by the Council as Leader at the post local election meeting (the first such appointment being made at Annual Council 2011).

The Leader's term of office is four years, subject to the postholder being re-elected as a Councillor (if necessary) or being removed from office.

The Leader must appoint a Deputy Leader who will hold office until the end of the term of office of the Leader, subject to being removed by the Leader.

The largest group in Opposition may choose two Members as Leader and Deputy Leader of the Opposition. In the event of there being no single largest Opposition Group the Leader of the Opposition shall be the Leader of the Opposition Group whose party achieved the largest percentage of votes across all Wards in the most recent Stevenage Borough Council Elections.

The political groups may each choose two Members as Leader and Deputy Leader of their group.

All the names when so appointed shall be notified to the Chief Executive for report to the Council.

#### **5. \*Quorum**

No business can be dealt with unless there is a quorum of 10 Members present (one quarter of the Membership).

If there is no quorum within 10 minutes of the time at which the meeting was due to start, the meeting must be immediately adjourned; no business having been conducted in the meantime.

If, during the course of a meeting, the numbers in attendance fall below 10 Members the Mayor shall call a halt to business, and if a quorum is not formed within 10 minutes, the meeting will be adjourned.

In either instance the business will be postponed until:

- a. a time fixed by the Mayor at the adjournment.
- b. a time fixed by the Mayor during the following day, or as soon as possible thereafter; or
- c. if no such time and date are fixed by the Mayor, either at the time of the adjournment or subsequently, to the next ordinary meeting.

Any of the courses followed must allow five clear days' notice to Members.

\*Schedule 12, Local Government Act, 1972

## **6. Council Meetings**

### **a. Annual Meeting of the Council**

The order of business at the annual meeting will normally be as follows:

- (i) apologies for absence and Declarations of Interest;
- (ii) approval of Minutes;
- (iii) to elect a Member as Mayor for the ensuing year;
- (iv) to elect a Member as Deputy Mayor for the ensuing year;
- (v) to appoint a Youth Mayor for the ensuing year;
- (vi) if the office of Leader is vacant, to elect a Leader for a term of 4 years;
- (vii) to note the appointment of the Leader and Deputy Leader of the Opposition and Leaders/Deputy Leaders of the minority groups;
- (viii) to note the appointment of the Deputy Leader, Members of the Executive and the Portfolios allocated;
- (ix) to note the discharge of Executive functions as directed by the Leader;
- (x) to appoint at least one Overview and Scrutiny Committee and such other Committees/panels as the Council considers appropriate to deal with matters which are neither reserved to the Council for decision nor are Executive functions;
- (xi) to consider any other business recommended by the Chief Executive and accepted by the Mayor as required to be considered before the next ordinary meeting.

### **b. Special Meeting(s) of the Council – Council Tax and Budget setting**

The order of business at the Council Tax and Budget setting special meeting(s) will be:

- (i) to elect a Chair if both the Mayor and Deputy mayor are absent;
- (ii) to receive any apologies for absence and Declarations of Interest;
- (iii) to deal with any business required by law to be dealt with first;
- (iv) to agree the Minutes of the last meeting and sign them;

- (v) to deal with any other business required by law;
- (vi) to deal with the Budget setting or Council Tax setting debate, as appropriate (Standing Order 10).

**c. Ordinary Meetings of the Council**

The order of business at ordinary meetings will be:

- (i) to elect a Chair if both the Mayor and the Deputy Mayor are absent;
- (ii) to receive any apologies for absence and Declarations of Interest;
- (iii) to deal with any business required by law to be dealt with first;
- (iv) to agree the Minutes of the last meeting and sign them;
- (v) to deal with any other business required by law;
- (vi) to receive any communications received by the Mayor which he/she wishes to draw to Council's attention;
- (vii) to deal with any business remaining from the last meeting;
- (viii) to deal with any Community Presentation, as appropriate (Standing Order 9);
- (ix) to receive any petitions/deputations (Standing Order 11);
- (x) To deal with any questions from the Youth Council (Standing Order 12);
- (xi) to deal with any questions from the public (Standing Order 13);
- (xii) to receive the Leader's updates (Standing Order 14).
- (xiii) to receive an update from each of the Chairs of the Council's Scrutiny Committees on activities undertaken since the last meeting (Standing Order 17);
- (xiv) to deal with motions submitted with notice (Standing Order 15);
- (xv) to deal with questions to Committee Chairs or Executive Members from Members (Standing Order 16);
- (xvi) to deal with reports from the Executive, the Council's Committees, and other Committees as may be appropriate;
- (xvii) to deal with reports from officers;

(xviii) to deal with any other business specified in the summons.

### **Alterations to order of business**

The order of business shown at items (v) to (xvii) can be changed by the Mayor or by a motion passed without discussion. This motion need not be in writing and advanced notice is not required.

## **7. Motions and Amendments which can be moved without Notice**

The following motions and amendments can be moved without notice unless specific alternative provisions are set out elsewhere in Standing Orders:

- a. nominating a Chair of the meeting;
- b. about the accuracy of the Minutes;
- c. referring an issue to an appropriate body or individual;
- d. changing the order of business under Standing Order 6c;
- e. election of a Leader if that post is vacant.
- f. appointing a Committee or Member arising from an item on the summons for the meeting;
- g. that an item of business that does not appear on the agenda is referred to the next ordinary meeting;
- h. that a deputation or petition of the Executive is received;
- i. accepting recommendations from the Executive, a Committee or officers;
- j. motions and amendments arising out of recommendations of the Leader, Executive, a Committee or officers;
- k. motions arising from the presentation of a Petition or Deputation, or a question of which notification has been given under Standing Orders 12,13 or 16 the Leader's Update;
- l. amendments to motions;
- m. that an item of business is withdrawn;
- n. closure Motions under Standing Order 19f;
- o. to give the consent of the Council where its consent is required by this Constitution;

- p. excluding the public and press under section 100(A) of the Local Government Act 1972;
- q. to suspend a particular Standing Order;
- r. that a Member named under Standing Order 20 is not heard or must leave;
- s. recording the Council's appreciation, best wishes or condolence;
- t. about the constitution of Committees;
- u. that a matter raised by a deputation or petition or arising out of a question from the Youth Council, the public or a Member is referred to the Executive, an appropriate Committee or other authority;
- v. seeking clarification as to the Mayor's ruling on a matter relating to the Conduct of Council Meetings and the application of any particular Standing Order relating thereto as provided for under Standing Order 34:
- w. that a motion moved under Standing Order 15 be dealt with at the meeting at which it is proposed.

## **8. Minutes**

- a. The Minutes of proceedings of each Council meeting will be drawn up and printed and a copy made available to each Member before the next ordinary meeting of the Council at which they are submitted for approval.
- b. No discussion shall take place upon the Minutes, except upon their accuracy, and any question of their accuracy shall be raised by motion. If no such question is raised, or if it is raised, then as soon as it has been disposed of, the Mayor shall sign the Minutes.
- \*c. Where in relation to any meeting of the authority the next such meeting is a meeting called under Paragraph 3 (extraordinary meetings) of Schedule 12 to the Local Government Act 1972, the next following meeting of the authority (being a meeting called otherwise than under that paragraph) shall be treated as a suitable meeting for the purpose of paragraph 41(1) and (2) (Signing of Minutes) of that Schedule.

\*Mandatory Standing Order; Local Authorities (Standing Orders) Regulations, 1993

## **9. Community Presentation**

At any ordinary meeting of the Council there may be a presentation on a matter of interest to the community (**Community Presentation**).

- a. The subject of any Community Presentation must be agreed with the Chief Executive, and notice must be delivered to the Constitutional Services Manager, not later than midday on the tenth clear working day prior to the despatch of the agenda for the Council meeting.
- b. The Council may receive a presentation, relevant to the subject matter of the debate may be, from a Councillor, officer and or other invited person(s):
  - (i) if the presentation is from a Councillor or officer, it should last no longer than 10 minutes.
  - (ii) if another person or persons are making the presentation it should last no longer than 20 minutes.
  - (iii) collectively no Community Presentation should last longer than 30 minutes.
- c. At the Mayor's discretion Councillors and members of the public may ask questions of those providing the, or comment on the content of the, presentation subject to a maximum time allowance for questions of 20 minutes.
- d. No Councillor or member of the public is permitted to speak for more than three minutes.
- e. No debate or vote will take place on the content of the presentation (not being a motion before Council).
- f. The presentation is not subject to any other rules of debate as provided for within this Constitution

## **10. Budget and Council Tax Setting Debate**

At the special meeting of the Council where the Council Tax is to be set, this shall be the sole subject of the debate.

- a. The Mayor will call upon the Leader of the Council (or her/his nominee) to move the formal motion setting the Council Tax and setting the budget in a speech that is not time-limited.
- b. The seconder of the motion, the Leader of the Opposition and the Leaders of any minority opposition groups shall be allowed to speak for up to 6 minutes. All other speakers are allowed up to three minutes. No-one other than the mover of the motion may speak more than once. The mover of the motion may only speak again as a right of reply (6 minutes).
- c. Any amendments to the Budget Motion recommended by the Executive must be received by the Constitutional Services Manager no later than 12 Noon on the Friday of the week before the date of the Council

Tax/Budget Setting Special Council Meeting.

- d. At the Mayor's discretion members of the public may ask questions or make statements in relation to the subject matter of the main debate. No Member of the public may speak more than once and no speech shall last longer than three minutes.

## 11. Petitions and Deputations

### a. Petitions

- (i) The provisions of the Council's Petition Scheme (Appendix B) apply.
- (ii) In accordance with the provisions of paragraph 20 of the Petition Scheme, where a petition has been submitted and contains 1000 signatures or more, if it is considered appropriate it will be debated at Council (unless it is a petition asking for a senior council officer to give evidence at a public meeting or is excluded from the Scheme as it relates to a Planning or Licensing matter).
- (iii) The Petition will be included on the agenda for the next ordinary meeting of the Council.
- (iv) The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be open for general discussion by Councillors for a maximum of 15 minutes. However, in the event that a Motion is moved and seconded the rules of debate will apply (see Standing Order 19).
- (v) By way of a Motion being carried the Council 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.
- (vi) Unless dealt with by way of a motion, the petition will thereafter be referred by the relevant Strategic Director who will consult with the Executive Member who has responsibility for the matter concerned to establish what action should be taken.
- (vii) The petition organiser will receive written confirmation of any decision taken. This confirmation will also be published on our website.
- (viii) The Mayor may decide that no petition shall appear before Council within six months after a deputation or petition has appeared before it with the same or like objective; or to accept a petition at Council that has less than the 1000 signatures, in which case paragraphs (iii) – (vii) above apply.

**b. Deputations**

- (i) At any ordinary meeting of the Council any Member of the public may ask that a deputation be received addressing a matter for which the Authority has a duty, or which affects Stevenage, or part of it, or people who live or work in Stevenage.
- (ii) A request shall be made in writing to the Constitutional Services Manager, by midday on the third clear working day prior to the despatch of the agenda for the Council meeting to which it relates, setting out the subject matter of the deputation and the reason why the deputation should be received.
- (iii) A deputation shall comprise no more than six persons and one spokesperson.
- (iv) The Chief Executive shall decide which deputations will be presented to the Council following consultation with the Leader, Chair of the relevant Committee or relevant Executive Member. The title and subject matter of each deputation will be included on the agenda for Council. The agenda will also indicate which deputations will not be received, and the reason shall be briefly stated in each case.
- (v) On being called by the person presiding, the spokesperson for the deputation may speak for up to three minutes addressing the subject matter of which notice has been given, provided that the remarks do not constitute a personal attack upon any person. The spokesperson will have no further right to speak.
- (vi) After the deputation has been heard, the Leader, Chair of the appropriate Committee, relevant Executive Member or other nominated Member shall have the right to respond. The response shall be limited to no more than three minutes.
- (vii) Subject to (viii) below, at the Mayor's discretion Members of the Council and/or members of the public may ask questions or make statements in relation to the subject matter of the deputation. No Member of the public may speak more than once and no speech shall last longer than three minutes.
- (viii) In the event of a Councillor moving a motion in relation to the subject matter of the deputation, the normal rules of debate will apply (Standing Order 19).
- (ix) Unless dealt with by way of a motion, the substance of the deputation will thereafter be referred to the Chair of the appropriate Committee, relevant Executive Member or to the relevant Strategic Director, if the matter can be dealt with under delegated powers. The Committee, Executive Member or Strategic Director shall provide a written reply, with details of any action proposed, to be sent to the spokesperson of

the deputation.

- (x) No deputation shall appear before the Council within six months after a deputation or petition has appeared before it with the same or like objective.

## 12. Questions from the Youth Council

- a. At any ordinary meeting of the Council a Member of the Youth Council may ask questions which are relevant to some matter in relation to which the Authority has functions, or which affects Stevenage or part of it, or people living or working in the Borough.
- b. Questions must be submitted to the Constitutional Services Manager in writing by midday on the third clear working day prior to the despatch of the agenda for the Council meeting to which it relates.
- c. The questions will be included on the agenda for Council. In the event that the Chief Executive decides that a question does not meet the criteria detailed in section a. above, the Youth Council will be informed that the particular question will not be included.
- d. Questions contained on the order paper should not be read out by the questioner.
- e. Answers will be given by the Leader, the relevant Committee Chair or Executive Member in writing and will be circulated at the meeting.
- f. With the Mayor's permission the Member of the Youth Council may ask a supplementary question relevant to the original question (or its answer).

The questioner's supplementary question must not last longer than two minutes.

- g. The answer to the supplementary question may be:
  - (i) an oral answer lasting no more than three minutes; or
  - (ii) where the desired information is contained in a publication of the Council, a reference to that publication; or
  - (iii) in writing (to be available within seven days); or
  - (iv) a combination of the above
- h. At the Mayor's discretion Members of the public, or Members of the Council, may ask questions or make statements in relation to the subject matter contained in a written question. No Member of the public may speak more than once and no speech shall last longer than three minutes. The relevant Member's response shall last no longer than three minutes.

- i. In the event of a Councillor moving a motion in relation to the subject matter of the question, the normal rules of debate will apply (Standing Order 19).

### **13. Questions from the Public**

- a. At any ordinary meeting of the Council a Member of the public may ask one question which is relevant to some matter in relation to which the Authority has functions, or which affects Stevenage or part of it, or people living or working in the Town. Questions will not be considered if the name and address of the questioner is not provided or if the question relates to a matter concerning service delivery to an individual person or household.
- b. Questions must be submitted to the Constitutional Services Manager in writing by midday on the third clear working day prior to the despatch of the agenda for the Council meeting to which it relates.
- c. The Chief Executive will decide which questions are to be asked at Council, following consultation with the Leader and Chair of the relevant Committee or relevant Executive Member. The Constitutional Services Manager will notify the individuals whether or not their question has been selected. The questions will be included on the agenda for Council. The agenda will also indicate which questions, of which notice has been given, will not be asked and the reason shall be briefly stated in each case.
- d. A maximum of six questions will be allowed at each meeting. Questions contained on the order paper should not be read out by the questioner.
- e. Answers will be given by the Leader, the relevant Committee Chair or Executive Member in writing and will be circulated at the meeting.
- f. With the Mayor's permission the questioner may ask a supplementary question relevant to the original question (or its answer).

The questioner's supplementary question must not last longer than two minutes.

- g. The answer to the supplementary question may be:
  - (i) an oral answer lasting no more than three minutes; or
  - (ii) where the desired information is contained in a publication of the Council, a reference to that publication; or
  - (iii) in writing (to be available within seven days); or
  - (iv) a combination of the above

- h. At the Mayor's discretion Members of the public, or Members of the Council, may ask questions or make statements in relation to the subject matter contained in a written question. No Member of the public, other than a questioner, may speak more than once and no speech shall last longer than three minutes. The relevant Member's response shall last no longer than three minutes.
- i. In the event of a Councillor moving a motion in relation to the subject matter of the question, the normal rules of debate will apply (Standing Order 19).

#### **14. Leader's Updates**

At all ordinary meetings of the Council:

- a. The Leader of the Opposition shall have the right to raise one item relevant to the Borough that has arisen since the last meeting. He/she shall have the right to speak on the one topic for no more than six minutes.
- b. The Leader of the Council may respond or nominate another Member to respond on her/his behalf (no more than 6 minutes collectively).
- c. At the Mayor's discretion Members of the Council may ask questions or make statements in relation to the subject matter (no more than 2 minutes per person).
- d. The Leader of the Council may speak to the Council about matters relevant to the Borough which have arisen since the last ordinary meeting. He/she shall have the right to speak for no more than six minutes on any one topic.
- e. The Leader may call upon another Member to speak on a topic. That Member shall speak for no more than 2 minutes on any one topic.
- f. Following each report the Leader of the Opposition shall have the right to speak on that topic (no more than 2 minutes per topic). Should he/she exercise this right the Leader may respond (no more than 2 minutes per topic).
- g. At the Mayor's Discretion other Members of the Council may ask questions or make statements (no more than 2 minutes) in relation to the individual matters raised and the Leader may respond (no more than 2 minutes).

#### **15. Motions subject to notice**

- a. Motions under Standing Order 7 can be moved without notice.
- b. Each Political Group is permitted to submit one written motion for debate at any ordinary meeting of the Council.
- c. Written notice of any motion must be signed by the Member or Members giving the notice.

Notice must be delivered to the Constitutional Services Manager not earlier than 10 clear working days prior to the despatch of the agenda for the Council meeting and not later than midday on the third clear working day prior to the despatch of the agenda for the Council meeting.

Every motion must be about something for which the Council has a responsibility or which affects the Borough.

- d. If it appears to the Constitutional Services Manager that a motion of which he/she has received notice is not in order, or is framed in improper or unbecoming language, he/she shall, in consultation with the Chief Executive and Constitutional Services, take the direction of the Mayor as to whether and in what form it shall be placed on the agenda, and the decision of the Mayor, after consultation with the giver of the notice, shall be final.
- e. A Member may only place one Notice of Motion on the agenda.
- f. All motions for which notice has been given will be printed on the Council agenda in the order received unless a Member giving notice stated, in writing, that he/she proposed to move it at a later meeting or has since written to withdraw it.
- g. Where a Motion relates to Council business i.e. is not Executive business or has been delegated by Council to another Committee, the matter will be considered at the meeting to which it has been submitted unless it has subsequently been withdrawn.
- h. Where the Motion relates to Executive business or has been delegated to a Committee of the Council, any Member may, without notice, move a procedural motion to the effect that the motion detailed in the agenda is to be debated at the Council meeting. Where such a procedural motion has been moved and seconded, that motion will be put to the Council without debate and with the support of a simple majority of those present determine that a motion, detailed in the agenda, be dealt with at the meeting at which it is proposed.
- i. With no such procedural motion being carried, once the motion detailed in the agenda is moved and seconded, there shall be no debate and the Motion shall stand referred to the Leader, Executive or such Committee as appropriate for consideration and decision.
- j. In the event of a motion detailed in the agenda being debated at the Council meeting (i.e. the relevant procedural motion has been carried) the normal rules of debate apply subject to the Leader, Chair of the appropriate Committee or relevant Executive Member (or her/his nominee) having the right of reply at the close of any debate, immediately before the mover of the motion.
- k. Any motion submitted under this Standing Order to change the agreed

Budget and Policy Framework of the Council may be approved in principle only and will stand referred to the Leader / Executive (and subsequently considered by the Scrutiny Overview Committee) who, after considering an officer report thereon, will submit a recommendation to the next Council meeting.

- l. Any motion submitted under this Standing Order that relates to Executive business or may be approved in principle only and will stand referred to the Leader / Executive (and subsequently considered by the Scrutiny Overview Committee) who, after considering an officer report thereon. The outcome of any such matter will be reported to next ordinary meeting of the Council.
- m. Where a motion is referred to the Executive or a Committee, the Member moving it shall, if he/she is not a Member of that body, be entitled to attend the meeting to explain her/his motion.
- n. The provisions of this Standing Order, where appropriate, apply to a Motion to remove the Leader from office.

#### **16. Questions to Committee Chairs or Executive Members**

- a. At ordinary meetings of the Council a Member may submit one written question of a Committee Chair or Executive Member about something for which the Committee or Executive Member has a responsibility or which affects the Borough. Questions cannot be asked about subjects covered by Executive, Committee or officer recommendations appearing on the same agenda.
- b. The question must be put in writing and given to the Constitutional Services Manager by midday on the third clear working day prior to the despatch of the agenda for the Council meeting. The questions will be included on the agenda for Council. Answers will be given by the Leader, the relevant Committee Chair or Executive Member in writing and will be circulated at the meeting.
- c. With the Mayor's permission, the questioner may ask one supplementary question, related to the original (or its answer). A Member's supplementary question must not last longer than two minutes.
- d. A Member who has been asked a question can decline to answer, or may name an appropriate person to answer for her/him.  
The answer to the supplementary question may be:
  - i) an oral answer lasting no more than three minutes; or
  - ii) where the desired information is contained in a publication of the Council, a reference to that publication; or
  - iii) in writing (to be available within seven days); or
  - iv) a combination of the above.
- e. Normally every question must be asked and answered without discussion

but, at the Mayor's discretion, there can be a discussion on the issue in question. Other than the questioner and the person answering the question, no-one shall speak more than once and then for up to two minutes only.

- f. In the event of a Councillor moving a motion in relation to the subject matter of the question, the normal rules of debate will apply (Standing Order 19).

## **17. Updates from Scrutiny Chairs**

At ordinary meetings of the Council each Chair of a Scrutiny Committee may provide an update on the activities her/his Committee has undertaken since the last ordinary meeting. The Chair(s) may speak for up to five minutes.

## **18. Matters referred from the Executive or a Committee**

The procedure for dealing with matters referred from the Executive or a Committee at Council meetings is set out below:

- a. The relevant Chair or Executive Member (or her/his nominee) will move formally that the recommendation from the Committee or Executive;
- b. The motion is to be seconded;
- c. The normal rules of debate at Council meetings will then apply. Motions and amendments may be moved in accordance with Standing Order 19.

## **19. Rules of Debate**

For the avoidance of doubt the rules in this Standing Order apply to all motions and amendments unless otherwise stated.

A motion or amendment cannot be discussed until it has been formally moved and seconded.

Any motion or amendment to change the budget and policy framework, and upon which no officer report has been submitted to Council, may only be carried 'in principle' unless the Chief Finance Officer confirms that he/she is content that any expenditure arising from the proposal can be contained within the Council's balances. Otherwise the matter will stand referred to the Executive (and subsequently considered by the Overview and Scrutiny Committee) who, after considering an officer report thereon, will submit a recommendation to the next Council meeting.

### **a. Motions**

- (i) A Member can alter a motion of which he/she has given notice, if her/his seconder and the Council agree.
- (ii) A Member can, without discussion, withdraw a motion with the permission of her/his seconder and of the Mayor. Unless this permission is refused, a Member cannot speak on the motion after the

mover has asked permission to withdraw it.

- (iii) Only one motion can be moved and discussed at a time apart from those referred to in Standing Order 19(e) below. No other motion can be moved until the motion under discussion has been dealt with.
- (iv) A seconder of a motion may formally do so and then reserve her/his right to speak until later in the debate if they so wish.
- (v) The Mayor can allow two or more motions to be discussed together, if he/she feels this will help business to be dealt with more efficiently. Every motion must be voted on separately.

**b. Amendments**

- (i) An amendment must be relevant to the motion and must either:
  - refer the subject under discussion to the Executive or a Committee, as appropriate, for consideration or reconsideration; or
  - add words or leave out words (or a combination of the two)

Omissions or additions must not have the effect of nullifying the motion before the Council.

- (ii) The Member seconding an amendment may formally do so and then reserve her/his right to speak until later in the debate if they so wish.
- (iii) A Member can, without discussion, withdraw an amendment with the permission of the seconder and of the Mayor. Unless this permission is refused, a Member cannot speak about the amendment after the mover has asked permission to withdraw it.
- (iv) Only one amendment can be moved and discussed at a time. No further amendment can be moved until the amendment under discussion has been dealt with.

However, the Mayor can allow two or more amendments to be discussed together, if he/she feels this will help business to be dealt with more efficiently.

Every amendment must be voted on separately.

- (v) If an amendment is lost, other amendments can be moved on the original motion but must not be to the same effect as an amendment that has been lost. If an amendment is carried, the amended motion becomes the substantive motion and takes the place of the original. Amendments to the substantive motion may be moved but may not be to the effect of reverting to the original motion.

**c. Procedure**

- (i) Members must refer to one another in meetings by their correct title of 'Councillor'.
- (ii) A Member can only speak about the matter under discussion or on a point of order, or in personal explanation.
- (iii) Time Limits for speakers during debates, unless otherwise stated elsewhere in these Standing Orders are as follows:
  - Mover of a motion – six minutes
  - Secunder of a motion – four minutes
  - Leader of the Council – four minutes
  - Leader of the Opposition – four minutes
  - all other speakers – three minutes
  - right of reply – three minutes
- (iv) A Member can only speak once on a motion except in the case of:
  - speaking once on an amendment to the motion moved by another Member;
  - moving a further amendment if the motion on which he/she last spoke has been amended;
  - if her/his first speech was on an amendment moved by another Member, he/she can then speak on the original issue, whether or not the amendment on which he/she first spoke was carried;
  - in exercise of a right of reply;
  - on a point of order; or
  - in personal explanation.
- (v) The time allowed to debate motions is a maximum of 1 and ½ hours (90 minutes). At the expiry of the 90 minutes allowed for debating written motions the Mayor shall end any debate in progress at that time (whether or not all motions have been debated) and move that the question now be put to the vote.

Any motion not debated within the 90 minute time limit will fall.

**d. Rights of Reply**

- (i) Subject to (ii) below, before a vote is taken on any motion or amendment, the mover of the (amended) motion shall have the right of reply before a vote is taken.
- (ii) The mover of any closure motions shall have no right of reply before the vote on such motions is taken. However in the event of a motion to proceed to the next business being moved and seconded, the mover of

the motion under debate may have a right of reply before this closure motion is voted upon.

**e. Other Motions**

When a motion is under debate, no other motion can be moved except to:

- (i) Amend the motion (save the Budget Motion recommended by the Executive where amendments must be submitted in accordance with Standing Order 10 (d)).
- (ii) Move a closure motion.
- (iii) Move that a Member is not further heard.
- (iv) Exclude the public and press under Section 100(A)(4) of the Local Government Act 1972.
- (v) Move that a Member leave the meeting.
- (vi) Move that the matter be referred back to the Executive or a Committee.

These motions can only be moved by Members who have not spoken on the motion under debate.

**f. Closure Motions**

At the end of any speech, a Member who has not spoken on the motion can move:

- (i) That the Council proceed to the next business.

If this motion is seconded, unless the Mayor thinks that the matter merits more discussion, he/she will give the mover of the substantive motion a right of reply. The motion to proceed to the next business will then be voted on.

- (ii) That the question is now put.

If this motion is seconded, the Mayor will first put to the vote the motion that the question be now put.

If this closure motion is carried whilst an amendment is being debated:

- the mover of the Motion shall have a right of reply
- the vote is then taken on the amendment
- debate may then continue on the substantive Motion.

If this closure motion is carried whilst a Motion is being debated

- the mover of Motion shall have a right of reply
- the vote is taken on the Motion
- Council proceed to next business

(iii) That the debate be adjourned.

If this motion is seconded, the Mayor will put the motion to the vote. The mover of the substantive motion has no right of reply. The matter under debate will stand adjourned until the next ordinary or extraordinary meeting, as appropriate.

(iv) That the meeting be adjourned.

If this motion is seconded, the Mayor will put the motion to the vote. The mover of the substantive motion has no right of reply. The matter under debate will stand adjourned until the next ordinary or extraordinary meeting, as appropriate.

**g. Point of Order**

A Member may raise a point of order at any time. The Mayor will hear the Member immediately. A point of order may only relate to an alleged breach of these Standing Orders or an Act of Parliament. The Member must specify the way in which he/she considers it has been broken. The ruling of the Mayor on the matter may only be challenged in accordance with Standing Order 35.

**h. Point of 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 which may appear to have been misunderstood in the present debate. The ruling of the Mayor on a point of personal explanation may only be challenged in accordance with Standing Order 35.

**20. Conduct**

- a. When the Mayor stands during a debate any Member speaking at the time must stop talking and sit, and the Council must be silent.
- b. If any Member persistently disregards the ruling of the Mayor by behaving irregularly, improperly or offensively or intentionally obstructs Council business, the Mayor or any other Member can move that the Member be not further heard. If the motion is seconded, it will be put to the vote without discussion.
- c. If the Member continues to misbehave after a motion under paragraph (b) above has been carried, the Mayor will either:
  - (i) Move that '(the Member) leave the meeting' and put the motion without

seconding or discussion, or

(ii) Adjourn the meeting for as long as he/she thinks necessary.

## **21. Rescinding an Earlier Resolution**

Unless as a result of a recommendation of the Executive or a Committee:

- a. A motion cannot be moved to rescind a Council decision made within the last six months;
- b. A motion or amendment in similar terms to one which has been rejected in the last six months cannot be moved.

## **22. Voting**

- a. With the exception of voting on the Council Tax and budget setting voting shall be by a show of hands, unless at least ten Members present request a fully recorded vote. On receipt of such a request made before the item of business has been concluded, the individual votes of all Members seated in a seat reserved for Members shall be recorded in the following manner. The Chief Executive will call the name of each Member in turn and it will be recorded if he/she say 'Yes', 'No' or 'Abstain'. These details shall be recorded in the minutes.
- b. When voting on Council Tax and Budget setting Motions and Amendments all votes shall be recorded as described in a. above.
- +c. Immediately after a vote is taken a Member may request that the Minutes shall record whether he/she voted for or against the motion or whether he/she abstained from voting.
- \*d. Decisions are to be made by simple majority voting.
- e. In the case of an equality of votes, the Mayor shall have a casting vote whether or not he or she has voted previously on the matter.
- f. Voting on appointments – where three or more persons are nominated for one position to be filled by the Council and of the votes given there is not an overall majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken on those remaining and so on until a majority of votes is given in favour of one person. When voting, the names of each individual will be put to the Council in alphabetical order of the Members' family names.

+ Mandatory Standing order, Local Authorities Standing Order Regulations 1993

\* Schedule 12, Local Government Act, 1972

**23. Inspection of Minutes**

Minutes of Council or Committee meetings must be available for inspection by any Member of the public at all reasonable times. Anyone may receive a copy at her/his own expense.

**24. Agenda and Reports**

Agenda and reports of any Council or Committee meeting, except those reports marked 'Part II – Confidential', must be available for inspection by Members of the public at all reasonable times. This should be at least five clear days before meetings take place and for a month after they have taken place. Anyone may receive a copy of these agenda and reports at her/his own expense.

A reasonable number of agenda and reports, apart from those marked "Part II – Confidential", must be supplied free of charge to Members of the public attending meetings.

**25. Attendance of the Press and Public at Meetings/Recording of Meetings**

The press and public will be admitted to all Council, Executive and Committee meetings subject to the Access to Information Rules in Part 4 of this Constitution, and to this Standing Order and Standing Order 31.

All matters considered by the Council and Committees during such time as they are not open to the public and press shall be regarded as confidential and not disclosed to any person until the Council has taken steps to make that business public.

Anyone who may attend a Council meeting may take written notes, film, audio-record, take photographs and use social media to report on meetings as they are taking place. However, in the event that Mayor considers that someone undertaking these activities is acting in a disruptive manner Standing Order 31 will apply.

**26. Disclosure**

A Member shall not disclose to any person any papers, business or other information of the Council or Committee indicated to be confidential unless:

- a. The Council, Executive or the Committee has taken steps to make that business public; or
- b. The relevant Chair expressly consents; or
- c. The law requires.

**27. Appointment of Committees**

At the Annual Meeting, the Council will appoint the Committees of the Council.

At any time it can appoint further Committees necessary to carry out the work of the Council. The term of office of each Committee runs until the next meeting of the Annual Council. However, no Member appointed to serve on a Committee may do so after their personal term of office as a Councillor is over.

Where the Council has established a Committee, Council can dissolve, change the name or its Membership at any time.

## **28. Substitutes**

- a. A Councillor who is unable, for whatever reason, to attend a meeting to which this Substitution Scheme applies (“the Regular Councillor”) and wishes another Councillor to attend the meeting in their place must inform the leader of their Political Group (and any references in this Scheme to a Political Group Leader shall include a Deputy Political Group Leader) who may then give notice to the Constitutional Services team on a prescribed form (“a substitution request”) requesting that the Regular Councillor be replaced in relation to the meeting by another Councillor who is a member of the same Political Group (“the Substitute”). The substitution request must name the proposed Substitute and it is the responsibility of the Political Group Leader to check that the proposed Substitute is available and willing to act as Substitute.
- b. A substitution request must be received by the Constitutional Services no later than 1 hour before the time fixed for the start of the meeting.
- c. On receipt of a substitution request the Constitutional Services Manager may appoint the councillor named as proposed Substitute as the Substitute for the meeting concerned. The Constitutional Services Manager (or nominated Constitutional Services Officer) would then issue a formal notice to that effect (a substitution notice) which would be sent to the regular Councillor, the Substitute and the relevant Political Group Leader.
- d. Once issued, the effect of a substitution notice will be that the Regular Councillor will cease to be a member of the committee for the duration of the relevant meeting (and any adjournment of that meeting) and the Substitute will become a member of that committee.
- e. Subject to f. below, a substitution notice may be revoked by the Constitutional Services Manager at the request of the Political Group Leader who requested its issue without prejudice to the issuing of a new substitution notice.
- f. A substitution notice may not be revoked after 3pm on the second working day before the day of the meeting.
- g. If the Substitute is a Chair or Vice Chair of another committee the Substitute will only sit as an ordinary Councillor and not take the role of Chair or Vice Chair, although the Substitute would be eligible to be elected Chair if both

- the Chair and Vice Chair were absent.
- h. Subject to i. below, this Substitution Scheme applies to:
    - (i) the Overview and Scrutiny Committee (“O&SC”)
    - (ii) Community Select Committee (“CSC”)
    - (iii) Environment and Economy Select Committee (E&ESC)
    - (iv) Standards Committee
    - (v) Audit Committee
    - (vi) Appointments Committee
    - (vii) Statement of Accounts Committee
    - (viii) Joint Consultative Committee
  - i. This Substitution Scheme shall not apply to the following **Regulatory Committees** except as provided in Paragraphs j. to o. below.
    - (i) Planning and Development Committee
    - (ii) Licensing Committee
    - (iii) General Purposes Committee
  - j. In the case of a Regulatory Committee, named Councillors will be appointed by the Full Council as substitute members (“Named Substitutes”). If the Constitutional Services Manager is satisfied that a member of a Regulatory Committee is unable to attend a meeting for whatever reason, the Constitutional Services Manager may issue a substitution notice appointing a Named Substitute in relation to the meeting. Such a substitution notice shall have the same effect as if issued under Paragraph d. above.
  - k. If the Constitutional Services Manager is satisfied that a member of a Regulatory Committee is unable to attend a meeting for whatever reason, but a Named Substitute is not available to attend the relevant meeting, the Constitutional Services Manager may issue a substitution notice appointing a Substitute in relation to the meeting who is not a Named Substitute. Such a substitution notice shall have the same effect as if issued under Paragraph d. above.
  - l. A substitution notice issued in relation to a Regulatory Committee under either Paragraph j. or Paragraph k. above may be revoked by the Constitutional Services Manager subject to Paragraph f. above which shall apply.

- m. Paragraph g. above shall apply to a substitution notice issued in relation to a Regulatory Committee under either Paragraph j. or Paragraph k. above.
- n. A Councillor may not be appointed by a substitution notice issued under Paragraph j. or k. above unless that Councillor has complied with the same requirements in relation to training as is required of the regular members of the Regulatory Committee.
- o. A Councillor may not be appointed by a substitution notice issued under Paragraph 3 in relation to O&SC, CSC and E&ESC, if that Councillor is a member of the Executive.

## **29. Casual Appointments**

The Chief Executive, or in her/his absence the Constitutional Services Manager, will fill casual vacancies to Committees, but not the Executive, following the receipt of written instructions from a Group Leader (or in her/his absence, from a named alternative).

## **30. Amendments to Standing Orders**

A motion to amend any or all of these Standing Orders, when proposed and seconded, must be adjourned without discussion to the next ordinary meeting where an accompanying officer report will be considered. This Standing Order does not apply to a general review of Standing Orders or the Constitution as a whole.

## **31. Suspension of Standing Orders**

Any Standing Orders, except those marked \* or + which are mandatory, can be suspended for business at the meeting at which suspension is moved.

A motion to suspend Standing Orders cannot be moved without notice unless at least half the Members are present. To be carried the motion must have received the support of more than half of the Members present.

## **32. Disturbance by Members of the Public**

If a Member of the public interrupts the proceedings at any meeting, the Mayor will warn her/him. If he/she continues to interrupt, the Mayor will order her/his removal from the Council Chamber. If there is general disturbance in any part of the Council Chamber open to the public, the Mayor will order that part to be cleared or adjourn the meeting in accordance with Standing Order 33 below.

## **33. Adjournment of Meeting**

The Mayor may, with the consent of the meeting, adjourn the meeting for such period as he/she considers expedient. A time for resumption, if the meeting is to continue that day, shall be stipulated at the time of adjournment.

**34. Adjournment of Debate**

Upon the passing of a motion to adjourn the debate, consideration of the matter under consideration shall stand adjourned to the next ordinary or extraordinary meeting of the Council.

**35. Interpretation of Standing Orders**

The Mayor's ruling on the conduct of Council meetings shall be accepted but all such rulings are subject to the right of a Member to challenge the Mayor's ruling as to the application of Standing Orders. Any Member choosing to exercise this right shall move a motion in accordance with Standing Orders 7 and 19, that the matter be decided by the Council.

**36. Record of Attendance**

Members attending a meeting must sign their names on the attendance sheet provided.

Their attendance will be recorded from these lists.

## **PART 2 – GENERAL**

### **37. Code of Conduct for Members**

In relation to meetings Members' must ensure that they comply with the Code of Conduct as set out in Part 5 of this Constitution, particularly in respect to the declaration of Disclosable Pecuniary Interests and other interests.

#### **a. Declaration of Disclosable Pecuniary Interests and Other Interests**

Members are required to declare Disclosable Pecuniary Interests and Other Interests, in accordance with the Code of Conduct as set out in Part 5 of this Constitution, at the beginning of each meeting or at the point at which they become aware that a subject matter in which they have such an interest is being considered.

Where a Member has a Disclosable Pecuniary Interest he/she is prohibited from voting or participating in discussions at the meeting.

For the purposes of clarification, 'meeting' in this context means any meeting of:

- (i) The Council or any of its Committees, Sub-Committees, panels or Joint Committees etc.
- (ii) The Executive or its Committees, Sub-Committees, panels or Joint Committees.

#### **b. Council Tax**

Any Member who has failed to pay any sum defined by Section 106 of the Local Government Finance Act 1992 in respect of council tax for at least two months and is present at any meeting at which any matter specified in Section 106(2) is under consideration shall, at the meeting and as soon as practicable after it has started, disclose the fact that Section 106 applies to them and shall not vote on any question with respect to the matter. Failure to do so is an offence under subsection (3).

### **38. Register of Members' Interests**

A Member or Co-opted Member must, before the end of 28 days beginning with the day on which the person becomes a member or co-opted member, notify the Council's Monitoring Officer of any Disclosable Pecuniary Interests which the person has at the time when notification is given.

Members and co-opted Members entitled to vote must also within 28 days of receiving any gift or hospitality over the value of £25, provide written notification to the Monitoring Officer of the existence and nature of that gift or hospitality.

The Monitoring Officer must maintain a register of the Disclosable Pecuniary Interests and Other Interests financial and other interests specified in Part 3 of the Code of Conduct, which must be available for inspection by Members of the public at all reasonable hours.

### **39. Urgency Procedure Arrangements**

#### **a. Executive, Committees, Sub-Committees**

Where an urgent matter is to be considered by the Executive (or any body appointed by the Executive) and details have not been circulated five clear days prior to the meeting, the Chair must accept the matter as urgent and the reasons for doing so must be detailed in the Minutes. Such decisions must also be taken in accordance with the Executive Rules of Procedure, the Access to Information Rules and Overview and Scrutiny Rules.

Where an urgent matter is to be considered by a Committee, Sub-Committee or Panel and details have not been circulated five clear days prior to the meeting, the Chair must accept the matter as urgent and the reasons for doing so must be detailed in the Minutes. Such decisions must also be taken in accordance with the Access to Information Rules.

#### **b. Key Decisions**

Where, because of the nature of the business, a key decision has to be taken urgently, it will be taken in accordance with the Executive Rules of Procedure, the Access to Information Procedure Rules and the Overview and Scrutiny Procedure Rules, as appropriate, and the following:

- (i) If it is a matter the Leader has delegated to the Executive, and the decision cannot be left until the next scheduled meeting, it shall be taken by the Leader following advice from the Chief Executive or relevant Strategic Director, and Monitoring Officer. The Leader may consult the relevant Executive Member in this respect;
- (ii) If it is a matter delegated by the Leader / Executive to another Committee, and the decision cannot be left until the next scheduled meeting, it shall be taken by the Leader following advice from the relevant Strategic Director and Senior Officers. The Leader may consult the relevant Executive Member/Chair in this respect;
- (iii) Any other key decision which has to be taken urgently shall be taken by the person to whom it is delegated (which may be an officer – see scheme of delegation to officers at Part 3 of this Constitution) following advice from the relevant Executive Member(s), Members of Strategic Management Board and Monitoring Officer, and otherwise in accordance with the Executive Rules of Procedure, the Access to Information Procedure Rules and Overview and Scrutiny Procedure Rules as appropriate.

c. **Non-Key Executive Decisions**

Where because of the nature of the business a decision (not being a key decision) has to be taken urgently and it cannot be left until the next scheduled meeting of the body delegated with the relevant power, it will be taken in accordance with the Access to Information rules and Overview and Scrutiny rules as appropriate and the following:

- (i) The decision will be taken by the relevant Executive Member(s) following advice from the relevant Member of Strategic Management Board, Monitoring Officer and Senior Officers;
- (ii) If it is a matter delegated by the Executive to another Committee it shall be taken by the Leader and following advice from the relevant Strategic Director, Monitoring Officer and Senior Officers. The Leader may consult with the relevant Executive Member/Chair in this respect.

d. **Other Decisions**

If it is a matter which has been delegated to a Committee of the Council, it shall be taken by the relevant Strategic Director. The Strategic Director may consult the Chair of the relevant Committee in this respect.

If it is a decision reserved for the Council, but not reserved by law, it shall be taken by the Chief Executive. The Chief Executive may consult the Mayor in this respect.

e. **Urgent decisions outside the Budget and Policy Framework**

Where it is necessary to take a decision which falls outside the Budget and Policy Framework, and it is not practical to convene a quorate meeting of the Council, it will be dealt with in accordance with the provisions for urgent decisions under the Budget and Policy Framework Procedure Rules. If for any reason the body or person to whom the decision is normally delegated is unable to take it, then it shall be taken by the Leader of the Council, and otherwise in accordance with the Budget and Policy Framework Procedure Rules and Access to Information Rules.

f. **Reporting of Urgent Decisions taken**

Where an urgent decision is taken in accordance with the above procedures, it will be reported as soon as practicable to the body otherwise delegated with the relevant power and the Council where required.

g. **Non-Key Decisions**

Executive Members are empowered to take non-key executive decisions (including urgent non-key decisions) within their allocated portfolio responsibilities following advice from the relevant Strategic Director,

Monitoring Officer and Senior Officers and in accordance with the Access to Information Rules and Overview and Scrutiny Rules.

**h. Decisions on Local Community Budgets**

Where the Leader has delegated responsibility to Ward Councillors for decisions on expenditure of Local Community Budgets such decision making must be in accord with the provisions of the Council's Constitution, including the Access to Information Rules and Overview and Scrutiny Rules.

### **PART 3 – COMMITTEES – GENERAL**

#### **40. Application**

Except where legislation provides otherwise or other specific provisions shown elsewhere in this Constitution, this section applies to the conduct of Council or Executive appointed Member-level bodies.

#### **41. Meetings**

- a. Meetings will be summoned by the Chief Executive who will send the agenda and any supporting papers to the Members at least five clear working days before the meeting. No business other than that specified in the agenda will be considered at the meeting, unless the Chair judges it to be an urgent matter, the reasons for which will be stated in the minutes. (Local Government Act 1972, Section 100B(4)). Where appropriate urgent business must be dealt with in accordance with the Access to Information Rules set out in Part 4 of the Council's Constitution.
- b. Failure to serve notice of a meeting on any Member of a Committee will not affect the validity of the meeting.
- c. The Chair of a Committee or a quarter of the Members of the Committee may in writing cause extraordinary meetings to be summoned by the Chief Executive who will send the agenda and any supporting papers to the Members at least five clear working days before the meeting. No business other than that specified in the agenda will be considered at the meeting, unless the Chair judges it to be an urgent matter, the reasons for which will be stated in the Minutes. (Local Government Act 1972, Section 100B(4)). Where appropriate urgent business must be dealt with in accordance with the Access to Information Rules set out in Part 4 of the Council's Constitution.
- d. The instruction to the Chief Executive in (c) must specify the business to be dealt with. No other business can be considered at the extraordinary meeting.
- e. Only extraordinary meetings can be held during the period between the fourth day after the ordinary day of election of Councillors and the date of the Annual Council Meeting.

Notwithstanding these provisions, all other procedure rules set out in this Constitution and provisions in the Articles set out in Part 2 also apply, as appropriate.

#### **42. Other provisions**

The following Standing Orders from Part 1 (Council Meetings) and Part 2 (General) shall apply to these bodies, allowing that 'Mayor' shall be substituted by 'Chair' or person presiding, as appropriate.

- 19 Rules of Debate except the following:
  - c (iii) Length of Speech
  - c (iv) Speaking only once
- 20 Conduct
- 22 Inspection of Minutes
- 23 Agenda and Reports
- 24 Attendance of Press and Public
- 25 Disclosure
- 29 Suspension of Standing Orders
- 30 Disturbance by Members of the Public
- 31 Adjournment of Meeting
- 32 Adjournment of Debate
- 33 Interpretation of Standing Orders
- 34 Record of Attendances
- 35 Interests to be declared at Meetings
- 37 Urgency Procedure Arrangements

**43. Chairs and Vice-Chairs**

- a. Executive -The Leader and Deputy Leader will be the Chair and Vice-Chair respectively of the Executive.
- b. Committees of the Council - The Chair and Vice-Chair for the Municipal Year of each Committee of the Council shall be appointed by the Council at the time of the Committee's appointment. In the event of one of these positions falling vacant, the matter shall be reported to the next ordinary Council meeting.
- c. In the absence of a Council-appointed Chair or Vice-Chair at a meeting, the Committee shall elect a person to preside from amongst its voting Members. The person so elected shall preside for the remainder of the meeting unless the Council-elected Chair or Vice-Chair arrive. If the Council elected Chair and Vice-Chair are absent and the Committee fails to elect a Chair for the meeting, the meeting shall be adjourned.

d. Joint Committees:

- (i) The Chairs and Vice-Chairs of Joint Committees shall be elected at the first meeting of each Committee following its appointment. The first meetings may be held following the Stevenage Borough Council Annual meeting or at some other time after they have been appointed.
- (ii) The Chair and Vice-Chair will be chosen from amongst the Stevenage Borough Councillors or the appointed representatives of other authorities represented on the Committee and in accordance with any detailed protocols agreed by the constituent Councils.

In the absence of a duly appointed Chair or Vice-Chair at a meeting, the protocols agreed by the constituent Councils will apply.

**44. Quorum**

Except where authorised by statute and ordered by the Council, no business will be transacted at a meeting of the Executive or a Committee (or any subsidiary bodies) unless at least one quarter of the body is present but with a minimum of three Members being present where the composition of the body is less than 12.

If there is no quorum within 10 minutes of the time at which the meeting was due to start, the meeting must be immediately adjourned; no business having been conducted in the meantime.

If, during the course of a meeting, the numbers in attendance fall below the quorum the Chair shall call a halt to business, and if a quorum is not formed within 10 minutes, the meeting will be adjourned.

In either instance the business will be postponed until:

- a. A time fixed by the Chair at the adjournment; or
- b. A time fixed by the Chair during the following day; or
- c. If no such time and date are fixed by the Chair, either at the time of the adjournment or subsequently, to the next ordinary meeting.

Any of the courses followed to allow five days notice to Members, urgency provisions notwithstanding.

**45. Co-opted Members**

All the provisions of these Standing Orders which govern the conduct of Members at Committee meetings will apply to the co-opted Members as they do to the other Members of the Committee (with the exception of Standing Order 46 (Voting)).

#### **46. Voting**

Voting at Committee meetings shall be by show of hands.

- a. Immediately after a vote is taken a Member may request that the Minutes shall record whether he/she voted for or against the motion or whether he/she abstained from voting \*
- b. Decisions are to be made by simple majority voting. In the case of an equality of votes, the Chair shall have a casting vote whether or not he/she has voted previously on the matter \*

Voting on Appointments – where three or more persons are nominated for one position to be filled by the Council, and of the votes given there is not an overall majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken on those remaining and so on until a majority of votes is given in favour of one person. For each vote taken the names of the nominees should be called in alphabetical order.

\*Mandatory Standing Order, Local Authorities (Standing Order) Regulations, 1993

#### **47. Conclusion of Meetings**

Every meeting of the Executive, a Committee (or subsidiary body) shall finish by 10.30pm. Any remaining business may be dealt with by:

- a. Carrying it forward to the next Ordinary meeting of the Committee; or
- b. Such other way as the Committee shall decide.

#### **48. General Conditions of Delegations**

Duties of the Executive or where powers and duties have been delegated by Council to a Committee (or subsidiary body), can be delegated by that body, to an appropriate officer, unless they are subject to special provisions for delegations in relation to the Executive.

## **APPENDIX A: PROTOCOL FOR MEMBERS OF THE PUBLIC WISHING TO REPORT ON MEETINGS OF STEVENAGE BOROUGH COUNCIL**

**Members of the public are entitled to report on meetings of Council, Executive and Committees except in circumstances where the public have been excluded as permitted by law.**

### **Reporting means:-**

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

**It is permissible to leave recording equipment in the meeting unattended but recording must stop if at any stage the appropriate motion is passed to exclude the press and public.**

**Anyone present at the meeting as it takes place is not permitted to carry out an oral commentary or report. This is to prevent the business of the meeting being disrupted.**

**Other examples of disruptive behaviour which may result in an individual being asked to stop recording include:-**

- excessive noise in recording, setting up, or re-siting during the meeting,
- intrusive lighting and use of flash photography;
- asking for people to repeat statements for the purposes of recording.

**Members of the public are asked to remain seated throughout the meeting as standing up and walking around could distract from the business in hand. (Note: members of the public are free to leave the meeting whenever they choose).**

**Anyone attending a meeting is asked to advise Committee Services staff on 01438 242992, or email [committees@stevenage.gov.uk](mailto:committees@stevenage.gov.uk) that they wish to report on the meeting and how they wish to do so. This is to enable employees to guide anyone wishing to report on proceedings to an appropriate place from which to be able to report effectively.**

**In order to avoid accidents the Council regrets that it is unable to facilitate members of the public using electric plug sockets in meetings for their equipment.**

**Please note that our committee rooms are WiFi enabled but the Council Chamber is not.**

## **APPENDIX B: STEVENAGE BOROUGH COUNCIL - PETITION SCHEME**

1. The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the Council will receive an acknowledgement from the Council within 10 working days of receipt.

This acknowledgement will set out what we plan to do with the petition. Paper petitions can be sent to:

The Constitutional Services Manager  
Daneshill House  
Danestrete  
Stevenage  
Herts,  
SG1 1HN

Or by email to [committees@stevenage.gov.uk](mailto:committees@stevenage.gov.uk)

### **What are the guidelines for submitting a petition?**

2. Petitions submitted to the Council must include a clear and concise statement covering the subject of the petition -
  - It should state what action the petitioners wish the Council to take
  - the name and address and signature of any person supporting the petition.
3. Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition.
4. The contact details of the petition organiser will not be published or included on the website.
5. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.
6. Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted.
7. If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, we will contact you to explain the reasons.

### **What will the Council do when it receives my petition?**

8. 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. It will also be published on our website.
9. Petitions received will be forwarded to the relevant Strategic Director who will consult with the Executive Member who has responsibility for the matter concerned to establish what action should be taken.
10. If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed.
11. If the petition has enough signatures to trigger a council debate, or a senior officer giving evidence, then the acknowledgment will confirm this and tell you when and where the meeting will take place.
12. If the petition needs more investigation, we will tell you the steps we plan to take.
13. If the petition concerns a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or concerns a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply. Your petition will be acknowledged and you will be informed why your petition will not be dealt with and what other steps you may wish to take.
14. We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.
15. To ensure that people know what we are doing in response to the petitions we receive the details of all the petitions submitted to us will be published on our website, except in cases where this would be inappropriate.
16. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed).

### **How will the council respond to petitions?**

17. 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

- Referring the petition for consideration/debate at a meeting of the Council, Executive, Overview and Scrutiny Committee or other Committee of the Council
  - Referring the matter to the relevant Portfolio Holder
  - Undertaking research into the matter
  - Holding an inquiry into the matter
  - Holding a public meeting
  - Holding a consultation
  - Holding a meeting with petitioners
  - Writing to the petition organiser setting out the Authority's views about the request in the petition
18. If your petition is about something over which the Council has no direct control (for example the local railway or hospital) we will aim to make representations on behalf of the community to the relevant body. The Council works with a large number of local partners and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with council policy), then we will set out the reasons for this to you.
19. If your petition is about something that a different council is responsible for we will give consideration to what the best method is for responding to it. It might consist of simply forwarding the petition to the other council, but could involve other steps. In any event we will always notify you of the action we have taken.

### **Council debates**

20. If it is considered appropriate, or it contains 1000 signatures or more, a petition will be debated at Council (unless it is a petition asking for a senior council officer to give evidence at a public meeting). This means that the issue raised in the petition will be discussed at a meeting which all Councillors attend. The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by councillors for a maximum of 15 minutes. 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. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

### Officer evidence

21. Your petition may ask for a Senior Council Officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a Senior Council Officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision.
22. If your petition contains at least 500 signatures, the relevant senior officer will give evidence at a meeting of the Council's Scrutiny Overview Committee.
23. The Overview and Scrutiny Committee may decide that it would be more appropriate for another officer to give evidence instead of an officer named in the petition – for instance if the named officer has changed jobs. Committee members will ask the questions at this meeting, but you will be able to suggest questions to the Chair of the Committee by contacting the Constitutional Services Manager up to three working days before the meeting. You can do this by e-mail at [committees@stevenage.gov.uk](mailto:committees@stevenage.gov.uk).

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

24. If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the Council's Overview and Scrutiny Committee review the steps that the Council has taken in response to your petition. It would be helpful if the petition organiser gives a short explanation of the reasons why the Council's response is not considered to be adequate.
25. The Committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting.
26. Should the Committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the Executive and arranging for the matter to be considered at a meeting of the Council.
27. Once the appeal has been considered the petition organiser will be informed of the results within five working days. The results of the review will also be published on our website.

## **APPENDIX C: HERTFORDSHIRE GROWTH BOARD**

### **HERTFORDSHIRE GROWTH BOARD - INTEGRATED GOVERNANCE FRAMEWORK**

Hertfordshire Growth Board (**HGB**) is currently operating to provide strategic co-ordination around growth and place leadership for the eleven councils and Local Enterprise Partnership (the **LEP**) in Hertfordshire. Governance is through an agreed Terms of Reference (**TOR**) (incorporated below) and a collaboration Memorandum of Understanding (**MOU**).

HGB is also in negotiation with HM Government to secure a Growth Deal which will require a formal governance model to provide accountability to government and good governance and transparency in the local management and use of any funds received under such an arrangement.

HGB comprises twelve local partners, namely the County Council, the Hertfordshire District and Borough councils<sup>1</sup> and the LEP. Its governance framework consists of the Board itself, with twelve members, supported by a Scrutiny Committee also of twelve members.

#### **1. Hertfordshire Growth Board**

##### **Summary of Functions**

- 1.1 HGB is established to ensure the effective coordination of strategic planning and delivery and to ensure that the objectives of a future Growth Deal for Hertfordshire are met.
- 1.2 HGB will also be responsible for the commissioning of projects funded by money provided through a Growth Deal, and for overall control of that programme of projects. For each individual project, HGB may act as lead, with budget responsibility; alternatively, it may appoint as lead a constituent council, who will be responsible for the delivery of that budget, under the oversight of the HGB. This shall also apply to circumstances in which funding is provided to the HGB by the member Councils or by other parties, such as the LEP.
- 1.3 HGB shall also support the development of local planning policy that promotes (1) the UK Government's stated aim of net zero carbon by 2050, and (2) constituent Councils' 2030 targets, and contributes towards

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<sup>1</sup> Hertfordshire County Council, Borough of Broxbourne Council, Dacorum Borough Council, East Hertfordshire District Council, Hertsmeire Borough Council, North Hertfordshire District Council, St Albans City and District Council, Stevenage Borough Council, Three Rivers District Council, Watford Borough Council, Welwyn Hatfield Borough Council.

biodiversity gain whilst embracing the changes needed for a low carbon world.

- 1.4 The Councils agree to delegate the exercise of their functions to the HGB to the extent necessary to enable the HGB to pursue and achieve the purposes in paragraphs 4.1 and 4.2 of the Terms of Reference, and to undertake any actions necessary, incidental or ancillary to achieving those objectives. The Councils shall make the necessary changes to their respective schemes of delegation accordingly.
- 1.5 The HGB may further delegate to officers of the Councils.
- 1.6 The HGB will consider any reports and recommendations from the HGB Scrutiny Committee as appropriate.
- 1.7 The HGB shall develop its own Forward Plan.

#### **Terms of Reference and Standing Orders**

- 1.8 The HGB's Terms of Reference and Standing Orders are set out in Appendix 1 and the accompanying Annex.

## **2. HGB Scrutiny Committee**

#### **Summary of Functions**

- 2.1 The HGB Scrutiny Committee has delegated authority to exercise the following functions:
  - a. Advise the HGB in connection with the achievement of the functions set out at paragraph 1 above;
  - b. Prepare and submit reports and/or recommendations to the HGB; and
  - c. Carry out all other statutory scrutiny functions in relation to the HGB.

#### **Terms of Reference and Standing Orders**

- 2.2 The HGB Scrutiny Committee's Terms of Reference and Standing Orders are set out in Appendix 2 and the accompanying Annex.

## Appendix 1

### TERMS OF REFERENCE OF THE HERTFORDSHIRE GROWTH BOARD

#### 1. Parties

Hertfordshire County Council  
Borough of Broxbourne Council  
Dacorum Borough Council  
East Hertfordshire District Council  
Hertsmere Borough Council  
North Hertfordshire District Council  
St Albans City and District Council  
Stevenage Borough Council  
Three Rivers District Council  
Watford Borough Council  
Welwyn Hatfield Borough Council  
Hertfordshire Local Enterprise Partnership (**LEP**)

#### 2. Status

- 2.1 The Hertfordshire Growth Board (**HGB**) has been established by Hertfordshire County Council and the District and Borough Councils listed above. It is a joint committee of these Councils, established by the Councils under sections 101 and 102 of the Local Government Act 1972, section 9EB of the Local Government Act 2000 and pursuant to the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012.

#### 3. Membership

- 3.1 Twelve members, comprising one elected member from each Council (anticipated to be the Leader/Directly Elected Mayor of each Council) with full voting rights, and a member nominated by the LEP (anticipated to be the Chair of the LEP) who is a co-opted non-voting member. The elected members shall be obliged to have due regard to the representations made by the LEP member.
- 3.2 Each constituent council may appoint a substitute from time to time. The substitute member shall have the same rights of speaking and voting at the meetings as the member for whom the substitution is made.

- 3.3 The HGB, with the agreement of its members, may co-opt other non-voting members to its membership where it is considered conducive to the effective consideration of any matter.
- 3.4 The HGB may appoint representatives to other outside bodies of which the HGB has membership.

#### **4. Functions**

##### General Functions

- 4.1 The HGB has delegated authority to exercise the following functions:
- a. Exercising strategic direction, monitoring, delivery and co-ordination of current and future Growth Board strategy, programmes and implementation of any Growth Deal Project;
  - b. Effective place leadership, ensuring that interests relating to spatial planning, economic prosperity, infrastructure provision, health provision, sustainability and climate change mitigation are effectively taken into account, coordinated and incorporated in place-making, in order to safeguard and maintain Hertfordshire's unique quality of life and prosperity;
  - c. Securing strategic collaboration and delivery across the councils and with the LEP in accordance with the policy objectives of the partner organisations;
  - d. Acting as the place leadership body for Hertfordshire that may act as a single voice to Government (and other national and sub-national bodies) on issues relevant to its ambit;
  - e. Coordinating the prioritisation of Growth Board funding from devolved and other funding sources for infrastructure schemes, to ensure that decisions are made in one place and supported by all relevant partners and stakeholders;
  - f. Promoting and lobbying for Hertfordshire's interests and for funding;
  - g. Oversight, accountability for and prioritisation of the Growth Board Growth fund;
  - h. To bring together the work of the emerging South West Herts Joint Planning and North, East and Central Herts Joint Planning groups, ensure strategic infrastructure requirements are identified and fed into the Hertfordshire Infrastructure and Funding prospectus.

- i. To maintain a current understanding of infrastructure needs through the Hertfordshire Infrastructure and Funding prospectus and other sources so key infrastructure priorities needed to support economic and housing growth can be determined
- j. To maintain particular focus on the successful regeneration of Hertfordshire's New Towns, the health of Town Centres and development and delivery of new Garden Towns and Communities.

#### Specific Functions

4.2 The HGB also has delegated authority to:

- a. Approve single position statements in relation to strategic Growth Deal issues;
- b. Approve projects, including the allocation of project funding, which fall within the ambit of a future Growth Deal agreement;
- c. Approve the major priorities under the auspices of a future Growth Deal;
- d. Approve plans and strategies necessary or incidental to the implementation of a Growth Deal; and
- e. Consider recommendations from the HGB Scrutiny Committee.

4.3 For the avoidance of doubt, the following non-executive and executive functions of the constituent Councils (and where applicable, the LEP) are excluded from the delegations to the HGB:

- a. Statutory planning functions;<sup>2</sup>
- b. Statutory housing functions;
- c. Statutory functions relating to economic development;
- d. Statutory highways and transport functions;
- e. Matters incidental to the exercise of the above functions.

## **5. Professional and Administrative Support**

5.1 Hertfordshire County Council shall act as the accountable body for the HGB in respect of financial matters and its financial procedure rules will apply in this context. It will provide Section 151 and Monitoring Officer roles to the Committee in accordance with its internal procedures.

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<sup>2</sup> This includes acting as Local Planning Authority on strategic planning matters, applications, approval and designation, consultations/referendums revocation (or recommend revocation of) neighbourhood plans, Article 4 Directions and orders

- 5.2 Hertfordshire County Council's Director of Finance (Section 151 Officer) will provide the HGB with quarterly financial reports for funding that has been allocated directly to Hertfordshire County Council as the Accountable Body. These reports will provide the HGB with an overview of the funds spent and funds committed against funds allocated.
- 5.3 For those programmes and funding streams where another local authority is the Accountable Body, the relevant Section 151 Officer will provide the financial and performance information to the County Council's Section 151 Officer, for integration into the quarterly reporting process.
- 5.4 Committee management and administrative support to the HGB will be provided by Hertfordshire County Council.
- 5.5 The lead role on projects shall be determined by the HGB, subject to the guiding principle that the lead council should normally be the Council primarily responsible for the service in question for their area. The procurement and other rules of the lead council will apply in respect of projects.

## **6. Standing Orders**

- 6.1 The HGB will be governed by the Standing Orders set out in Annex A attached to these Terms of Reference.

## **7. Advisory Sub-Groups**

- 7.1 The HGB may establish Programme Boards/Advisory Sub-Groups to oversee specific work programmes or broader thematic areas as required. Programme Boards/Sub-Groups, reporting into the HGB, will be managed in accordance with separate terms of reference as agreed by the HGB.
- 7.2 The role, remit and membership of Programme Boards/Advisory Sub-Groups will be reviewed regularly to ensure they remain flexible to the demands of ongoing and new programmes of work.

## **8. Withdrawal**

- 8.1 The firm intention is that HGB will continue until the programme is completed. Recognising the very serious implications of withdrawal from the HGB for the delivery of any Growth Deal programme, if a Council decides to withdraw from its role within HGB, it commits to sharing this with HGB members at the earliest possible opportunity, and to entering into constructive discussions to avoid this happening or to reach a way forward.

8.2 In all cases:

- a. A minimum of six months' prior notice shall be given before withdrawal; and
- b. Withdrawal shall take effect from the beginning of the financial year.

## **9. Costs**

- 9.1 The costs of running the HGB will be funded from the HGB Growth Fund in combination with officer time contributions from constituent councils.
- 9.2 Each Council makes a legally binding commitment that, should it withdraw from the HGB, it shall pay all additional costs (such as increased project costs) that fall to be met by the other partner Councils that are reasonably attributable to that withdrawal. This could include, for example, the costs that are locked into projects that have already been committed to, or the costs of dissolving integrated officer and Member arrangements and re-establishing independent arrangements.

## **10. Dispute Resolution**

- 10.1 This section 10 governs disputes which may arise between the members and former members (including the LEP member, but not including any other co-opted member) in relation to these Terms of Reference or the Standing Orders of the HGB, or the decisions or operations of the HGB (a **Dispute**).
- 10.2 Each member as defined in paragraph 10.1 shall be entitled to refer a Dispute to the Heads of Paid Service of the member Councils and the Chief Executive of the LEP (together the **Dispute Panel**), who shall seek to agree a resolution. If the Dispute Panel is unable to resolve the matter within 1 month of it being referred to them, it shall agree any further dispute resolution procedure that it deems appropriate. This may include but is not limited to mediation via the Centre for Effective Dispute Resolution (CEDR).

**Annex A to Appendix 1**

**HERTFORDSHIRE GROWTH BOARD STANDING ORDERS**

**1. Membership**

- 1.1 The HGB will have a voting membership of eleven, each Council being entitled to appoint one voting member.
- 1.2 The HGB may agree to co-opt other non-voting members to its membership where it is considered conducive to the effective consideration of any matter.

**2. Alternate or Substitute Members**

- 2.1 Each Council will be entitled to appoint from time to time one named alternate or substitute member who may act in all aspects as a voting member of the HGB in the absence of the voting member appointed.
- 2.2 The LEP and any other co-opted members will be entitled to nominate an alternate or substitute member to act in the absence of their principal co-opted member.
- 2.3 Subject to the discretion of the Chair, the relevant member shall notify the HGB at least 5 working days in advance of the relevant meeting of the identity of their substitute.

**3. Term of Office**

- 3.1 The term of office of voting and alternate or substitute voting members shall end:
  - a. if rescinded by the appointing Council; or
  - b. if the member ceases to be a member of the appointing Council.
- 3.2 The LEP member and any co-opted members may at any time ask the HGB to replace their nominated co-opted member and alternate or substitute member by way of further nomination.

**4. Appointment of Chair and Vice-Chair**

- 4.1 The HGB shall appoint a Chair and two Vice-Chairs at its first meeting. At the time of appointing the Vice-Chairs, the HGB shall decide which of them takes priority if the Chair is absent and both of them are present.

4.2 The appointment of the Chair described in 4.1 shall be for a term up to the first meeting of the HGB that follows both the 2021 local elections and the 2021 Annual Meetings of the constituent Councils (the **Post-Election Meeting**). At the Post-Election Meeting, the Board may either re-appoint the same member as Chair or appoint a new Chair for a term of two years. Save in the above case, the Chair shall serve a single consecutive term of two years.

4.3 There shall be no term limits for Vice-Chairs.

4.4 The co-opted members of the HGB shall not act in the role of either the Chair or the Vice-Chair of the HGB.

## **5. Quorum**

5.1 The quorum for meetings of the HGB will be 9 voting members.

5.2 If there is no quorum at the published start time for the meeting, a period of ten minutes will be allowed, or longer, at the Chair's discretion. If there remains no quorum at the expiry of this period, the meeting will be declared null and void.

5.3 If there is no quorum at any stage during a meeting, the Chair will adjourn the meeting for a period of ten minutes, or longer, at their discretion. If there remains no quorum at the expiry of this period, the meeting will be closed and the remaining items will be declared null and void.

## **6. Member Conduct**

6.1 HGB members appointed by the eleven Councils shall be bound by the Code of Conduct of their nominating authority. The HGB member appointed by the LEP (and those nominated by other co-opted members) will be bound by the Code of Conduct of Hertfordshire County Council.

6.2 If a member persistently disregards the ruling of the Chair, or person presiding over the meeting, by behaving improperly or offensively or deliberately obstructs business, the Chair, or person presiding over the meeting, may move that the member be not heard further. If seconded, a vote will be taken without discussion.

6.3 If the member continues to behave improperly after such a motion is carried, the Chair, or person presiding over the meeting, may move that

either the member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, a vote will be taken without discussion.

## **7. Notice of and Summons to Meetings**

7.1 Notice will be given to the public of the time and place of any meeting of the HGB in accordance with the Access to Information rules of the Council providing HGB secretariat functions.

7.2 At least seven clear working days before a meeting, a copy of the agenda and associated papers will be sent to every member of the HGB. The agenda will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such details as are available.

## **8. Meeting Frequency**

8.1 The HGB will meet on at least a quarterly basis, or as determined by the HGB, with one of those meetings acting as the annual meeting.

8.2 Extraordinary Meetings may be summoned by (i) the Chair, or (ii) any nine councils writing to the Chair to request one. The notice from the Chair or the letter from the nine councils shall state the business of the meeting, and no other business shall be considered.

## **9. Virtual Meetings**

9.1 The following provisions shall apply to meetings which are scheduled during the period that **The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020**, or such other legislation as permits meetings to take place remotely, remain in force.

9.2 The HGB may hold any meeting remotely using Zoom, Microsoft Teams, or any other suitable platform, and may live-stream the meeting.

9.3 Where it elects to do so, notice of this shall be given to the public in advance, and the platform used shall enable the public to see and hear the proceedings. A link will be made available to enable members of the public whose questions have been selected in accordance with Standing Order 12 to address the HGB. Where a public questioner is unable to access the meeting, or cannot be heard by the Members during the time allocated for his or her question, the Chair shall have discretion to move on to deal with

another question, or if the question is the last to be heard, to move on to other business.

- 9.4 Voting shall be managed by the Chair, by either (i) requiring members to vote using the applicable poll function, (ii) requiring members to vote orally in turn, or (iii) any other convenient method.
- 9.5 Where the public and press are excluded under Standing Order 16, members will be required to confirm that there are no other persons present with them who are not entitled to hear or see the proceedings.
- 9.6 The Quorum provisions at paragraph 5 shall apply equally to virtual meetings.

## **10. Voting**

- 10.1 Before taking any decision, the local authority members of the HGB will have due regard to the advice and opinions expressed by the LEP member and other co-opted members.
- 10.2 HGB members commit to seek, where possible, to operate on the basis of consensus.
- 10.3 Should it not be possible in a specific instance to find a consensus, the issue shall stand deferred to a later meeting of the HGB. At the next meeting, a vote will be again taken and, if a consensus is still not achievable, the decision will be made on the basis of a simple majority.
- 10.4 The Chair shall have a casting vote; however, the convention of the HGB is that the Chair shall not exercise this.

## **11. Reports from the HGB Scrutiny Committee**

- 11.1 The HGB will receive reports and recommendations from the HGB Scrutiny Committee as appropriate and the Chair of the HGB Scrutiny Committee, or a nominated representative on his or her behalf, will be entitled to attend meetings of the HGB to present them.

## **12. Questions by the Public and Public Speaking**

- 12.1 At the discretion of the Chair, members of the public may ask questions at meetings of the HGB. This standard protocol is to be observed by public speakers:

- (a) There shall be a maximum of six public questions in each meeting, subject to a time limit of 30 minutes. Questions will be addressed on a first-come-first-served basis with reference to when they were submitted to the HGB, save that questions which in the opinion of the Chair are vexatious shall not be addressed;
- (b) Notice of the question should be submitted to the Chief Legal Officer of Hertfordshire County Council by 10am at least five working days before the meeting, stating to whom the question is to be put;
- (c) Questions must be limited to a maximum of 300 words;
- (d) Answers will be given in writing and will be published on the HGB website by 5pm on the day preceding the relevant meeting;
- (e) With the Chair's permission, the questioner may ask a supplementary question relevant to the original question (or its answer). The questioner's supplementary question must not last longer than two minutes. The answer to the supplementary question may be: (i) an oral answer lasting no more than three minutes; or (ii) where the desired information is contained in a publication of the Council, a reference to that publication; or (iii) in writing (to be available within seven days); or (iv) a combination of the above;
- (f) Questioners will not be permitted to raise the competence or performance of a member, officer or representative of any partner on the HGB, nor any matter involving exempt information (normally considered as 'confidential');
- (g) Questioners cannot make any abusive or defamatory comments, or raise points which in the opinion of the Chair are vexatious;
- (h) If any clarification of what the questioner has said is required, the Chair will have the discretion to allow other HGB members to ask questions;
- (i) The questioning member will not be permitted to participate in any subsequent discussion and will not be entitled to vote;
- (j) In the event that one of the questions considered by the Chair is duplicated by later questions, it may be necessary for a spokesperson to be nominated to put forward the question on behalf of other questioners. If a spokesperson cannot be nominated or agreed, the questioner of the first such question received will be entitled to put forward their question; and
- (k) Questions should relate to items that are on the agenda for discussion at the meeting in question. The Chair will have the discretion to allow questions to be asked on other issues.

### 13. Petitions

13.1 At the discretion of the Chair, members of the public may submit and present petitions to the HGB. This standard protocol is to be observed by petitioners:

- (a) Petitions should include a clear statement of the petition organiser's concerns and what they would like the HGB to do;
- (b) Petitions must relate to something which is within the responsibility of the HGB, or over which it has influence;
- (c) Petitions must include the name and contact details of the petition organiser;
- (d) Petitions must include at least 500 signatures of people living or working in Hertfordshire. Petitions below this threshold will not be presented to the HGB, but HGB members will be notified of them as long as they contain at least 50 signatures;
- (e) Petitions must be submitted either (i) in hard copy, or (ii) via the HGB e-petition platform, in the format prescribed on the HGB portal, at least 10 clear working days before the date of the meeting. Petitions shall be administered by the Democratic Services Team of Hertfordshire County Council;
- (f) Subject to the discretion of the Chair, a maximum of two petitions will be considered at any one meeting;
- (g) Petition organisers will be permitted to present their petitions to the meeting and will be allowed to address the meeting for a maximum of three minutes;
- (h) Where more than one petition is received in time for a particular meeting and they are considered by the Chair as supporting the same outcome or being broadly similar in intent, it may be necessary for a spokesperson to be nominated and present the petitions. If a spokesperson cannot be nominated or agreed, the petition organiser of the first petition received will be entitled to present their petition;
- (i) Petitions will be rejected if the Chair considers them to be abusive or libellous, frivolous, vague or ambiguous, rude, offensive, defamatory, scurrilous or time-wasting or require the disclosure of exempt information (normally considered as 'confidential');
- (j) Petitions on the same subject matter will not be accepted within a six-month period, unless there has been a material change of circumstances. Whether there has been a material change in circumstances will be determined by the Chief Legal Officer of Hertfordshire County Council in consultation with the Chair (or Vice-Chair).

13.2 Any matters arising from petitions considered by the HGB Scrutiny Committee can be reported to the HGB, as per Standing Order 11.

**14. Participation at HGB Meetings by Other Members of Partner Councils or Other Representatives of Partner Bodies**

14.1 At the discretion of the Chair, other elected members of the Councils or the LEP or co-opted members may be entitled to speak and participate at meetings of the HGB.

**15. Minutes**

15.1 The Chair will sign the minutes of the proceedings at the next suitable meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record.

15.2 The minutes will be accompanied by a list of agreed action points, which may be discussed in considering the minutes of the previous meeting should they not be specifically listed as items on the agenda for the meeting.

**16. Exclusion of the Public and Press**

16.1 Members of the public and press may be excluded from meetings in accordance with the Access to Information rules of legislation as applied by the administering authority with regard to the consideration of exempt or confidential information.

**17. Recording of Proceedings**

17.1 The recording in any format of meetings of the HGB is permitted, except:

- a. Where the Chair, or person presiding over the meeting, rules that filming is being undertaken in such a way that is disruptive or distracting to the good order and conduct of the meeting;
- b. Where the public have been excluded from the meeting during the consideration of exempt or confidential information (see Standing Order 16).

**18. Disturbance by Public**

18.1 If a member of the public interrupts proceedings, the Chair, or person presiding over the meeting, will warn the person concerned. If that person

continues to interrupt, the Chair will order his or her removal from the meeting room.

18.2 If there is a general disturbance in any part of the meeting room open to the public, the Chair, or person presiding over the meeting, may call for that part of the room to be cleared.

18.3 If there is a general disturbance making orderly business impossible, the Chair, or person presiding over the meeting, may adjourn the meeting for as long as he or she thinks is necessary.

## **19. Interpretation of Standing Orders**

19.1 The ruling of the Chair of the HGB as to the application of these Standing Orders shall be final.

## **20. Suspension of Standing Orders**

20.1 With the exception of Standing Orders 4, 5, 7.1, 8, 10 and 15, and as far as is lawful, any of these Standing Orders may be suspended by motion passed unanimously by those entitled to vote.

## Appendix 2

### HERTFORDSHIRE GROWTH BOARD SCRUTINY COMMITTEE TERMS OF REFERENCE

#### **1. Parties**

Hertfordshire County Council  
Borough of Broxbourne Council  
Dacorum Borough Council  
East Hertfordshire District Council  
Hertsmere Borough Council  
North Hertfordshire District Council  
St Albans City and District Council  
Stevenage Borough Council  
Three Rivers District Council  
Watford Borough Council  
Welwyn Hatfield Borough Council

#### **2. Status**

The Hertfordshire Growth Board Scrutiny Committee has been established by the Councils listed above. It is a joint advisory committee of these Councils, established under section 102(4) of the Local Government Act, 1972.

#### **3. Membership**

- 3.1 One elected member appointed by each of the member Councils and one member appointed by the LEP (total 12).

#### **4. Functions of the HGB Scrutiny Committee**

- 4.1 The HGB Scrutiny Committee is established to advise the HGB with regard to the latter's role in achieving the objectives in the HGB Terms of Reference.
- 4.2 The HGB Scrutiny Committee will act as a forum for discussion with a wider range of members and stakeholders across the Hertfordshire area, so that the HGB benefits from a wider range of expertise in making its decisions.

4.3 To this end, the HGB Scrutiny Committee may receive and comment on (“pre-scrutinise”) reports to the HGB, may offer advice to the HGB on the discharge of its functions and may review its work.

4.4 The HGB Scrutiny Committee shall develop its own Forward Plan and may submit reports or recommendations to the HGB for consideration, as appropriate.

## **5. Professional and Administrative Support**

5.1 Committee management and administrative support to the HGB Scrutiny Committee will be provided by Hertfordshire County Council.

5.2 Other professional support will be provided to the HGB Scrutiny Committee on an ad hoc basis as agreed between the Councils.

## **6. Standing Orders**

The HGB Scrutiny Committee will be governed by the Standing Orders set out in Annex A attached to these Terms of Reference.

## **7. Costs**

The costs of running the HGB Scrutiny Committee will be funded from the HGB Growth Fund.

**Appendix 2 – Annex A**

**HERTFORDSHIRE GROWTH BOARD SCRUTINY COMMITTEE STANDING ORDERS**

**1. Membership**

- 1.1 The HGB Scrutiny Committee will have a membership of 12, with each Council and the LEP being entitled to appoint one member. Members must not be executive members of their appointing authority.

**2. Alternate or Substitute Members**

- 2.1 Each Council will be entitled to appoint one named alternate or substitute member who may act in all aspects as a voting member of the HGB in the absence of the voting member appointed.
- 2.2 Subject to the discretion of the Chair, the relevant member shall notify the HGB at least 5 working days in advance of the relevant meeting of the identity of their substitute.

**3. Term of Office**

- 3.1 The term of office of members from the Councils shall end:
- a. if rescinded by the appointing Council; or
  - b. if the member ceases to be a member of the appointing Council.

**4. Appointment of Chair and Vice-Chair**

- 4.1 The HGB Scrutiny Committee will appoint a Chair and Vice-Chair at its first meeting.
- 4.2 The appointment of the Chair described in 4.1 shall be for a term up to the first meeting of the HGB Scrutiny Committee that follows both the 2021 local elections and the 2021 Annual Meetings of the constituent Councils (the **Post-Election Meeting**). At the Post-Election Meeting, the HGB Scrutiny Committee may either re-appoint the same member as Chair, or appoint a new Chair for a term of two years. Save in the above case, the Chair shall serve a single consecutive term of two years.
- 4.3 There shall be no term limits for Vice-Chairs.

- 4.4 Where there are three or more candidates for appointment and there is, after balloting, no candidate with a clear majority, meaning in this case the votes of more than 50% of members present and voting, the candidate with the least number of votes will withdraw and there will be a fresh ballot of remaining candidates; and so on until a candidate has that majority.

## **5. Quorum**

- 5.1 The quorum for meetings of the HGB Scrutiny Committee will be 7 members.
- 5.2 If there is no quorum at the published start time for the meeting, a period of ten minutes will be allowed, or longer, at the Chair's discretion. If there remains no quorum at the expiry of this period, the meeting will be declared null and void.
- 5.3 If there is no quorum at any stage during a meeting, the person presiding over the meeting will adjourn for a period of ten minutes, or longer, at their discretion. If there remains no quorum at the expiry of this period, the meeting will be closed and the remaining items will be declared null and void.

## **6. Member Conduct**

- 6.1 HGB Scrutiny Committee members appointed by the Councils shall be bound by the Code of Conduct of their nominating authority.
- 6.2 If a member persistently disregards the ruling of the Chair, or person presiding over the meeting, by behaving improperly or offensively or deliberately obstructs business, the Chair, or person presiding over the meeting, may move that the member be not heard further. If seconded, a vote will be taken without discussion.
- 6.3 If the member continues to behave improperly after such a motion is carried, the Chair, or person presiding over the meeting, may move that either the member leaves the meeting or that the meeting is adjourned for a specified period.  
If seconded, a vote will be taken without discussion.

## **7. Notice of and Summons to Meetings**

- 7.1 Notice will be given to the public of the time and place of any meeting of the HGB Scrutiny Committee in accordance with the Access to Information rules of Hertfordshire County Council.

- 7.2 At least five clear working days before a meeting, a copy of the agenda and associated papers will be sent to every member of the HGB Scrutiny Committee. The agenda will give the date, time and place of each meeting; specify the business to be transacted, and will be accompanied by such details as are available.

## 8. Meeting Frequency

- 8.1 The HGB Scrutiny Committee may set its own timetable for meetings, normally on a date preceding meetings of the HGB in order to allow the HGB Scrutiny Committee to consider issues the HGB will be taking decisions on and advise accordingly.

## 9. Virtual Meetings

- 9.1 The following provisions shall apply to meetings which are scheduled during the period that **The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020**, or such other legislation as permits meetings to take place remotely, remain in force.
- 9.2 The HGB may hold any meeting remotely using Zoom, Microsoft Teams, or any other suitable platform, and may live-stream the meeting.
- 9.3 Where it elects to do so, notice of this shall be given to the public in advance, and the platform used shall enable the public to see and hear the proceedings. A link will be made available to enable members of the public whose questions have been selected in accordance with Standing Order 12 to address the HGB. Where a public questioner is unable to access the meeting, or cannot be heard by the Members during the time allocated for his or her question, the Chair shall have discretion to move on to deal with another question, or if the question is the last to be heard, to move on to other business.
- 9.4 Voting shall be managed by the Chair, by either (i) requiring members to vote using the applicable poll function, (ii) requiring members to vote orally in turn, or (iii) any other convenient method.
- 9.5 Where the public and press are excluded under Standing Order 16, members will be required to confirm that there are no other persons present with them who are not entitled to hear or see the proceedings.
- 9.6 The Quorum provisions at paragraph 5 shall apply equally to virtual meetings.

## Voting

- 10.1 All HGB Scrutiny Committee members will be voting members.
- 10.2 Voting for meetings of the HGB Scrutiny Committee will be conducted on the basis of a simple majority. The Chair shall have a casting vote; the convention shall be that the Chair shall not exercise this.

## 11. Reports from the HGB Scrutiny Committee to the HGB

- 11.1 The Chair of the HGB Scrutiny Committee, or a nominated representative on his or her behalf, will be entitled to attend meetings of the HGB to present reports from the HGB Scrutiny Committee as appropriate.

## 12. Questions by the Public and Public speaking

- 12.1 At the discretion of the Chair, members of the public may ask questions at meetings of the HGB Scrutiny Committee. This standard protocol is to be observed by public speakers:

- (a) There shall be a maximum of six public questions in each meeting, subject to a time limit of 30 minutes. Questions will be addressed on a first-come-first-served basis with reference to when they were submitted to the HGB, save that questions which in the opinion of the Chair are vexatious shall not be addressed;
- (b) Notice of the question should be submitted the Chief Legal Officer of Hertfordshire County Council at the latest by 10am three working days before the meeting;
- (c) Questions must be limited to a maximum of 300 words;
- (d) Answers will be given in writing and will be circulated at the meeting;
- (e) With the Chair's permission, the questioner may ask a supplementary question relevant to the original question (or its answer). The questioner's supplementary question must not last longer than two minutes. The answer to the supplementary question may be: (i) an oral answer lasting no more than three minutes; or (ii) where the desired information is contained in a publication of the Council, a reference to that publication; or (iii) in writing (to be available within seven days); or (iv) a combination of the above;
- (f) Questioners will not be permitted to raise the competence or performance of a member of the HGB Scrutiny Committee or the HGB, nor any matter involving exempt information (normally considered as 'confidential');

- (g) Questioners cannot make any abusive or defamatory comments, or raise points which in the opinion of the Chair are vexatious;
- (h) If any clarification of what the questioner has said is required, the Chair will have the discretion to allow other HGB Scrutiny Committee members to ask questions;
- (i) The questioning member will not be permitted to participate in any subsequent discussion and will not be entitled to vote;
- (j) In the event that one of the questions considered by the Chair is duplicated by later questions, it may be necessary for a spokesperson to be nominated to put forward the question on behalf of other questioners. If a spokesperson cannot be nominated or agreed, the questioner of the first such question received will be entitled to put forward their question; and
- (k) Questions should relate to items that are on the agenda for discussion at the meeting in question. However, the Chair will have discretion to allow questions to be asked on other issues.

### **13. Petitions**

13.1 At the discretion of the Chair, members of the public may submit and present petitions to the HGB Scrutiny Committee. This standard protocol is to be observed by petitioners:

- (a) Petitions should include a clear statement of the petition organiser's concerns and what they would like the HGB Scrutiny Committee to do;
- (b) Petitions must relate to something which is within the responsibility of the HGB Scrutiny Committee, or over which it has influence;
- (c) Petitions must include the name and contact details of the petition organiser;
- (d) Petitions must include at least 500 signatures of people living or working in Hertfordshire. Petitions below this threshold will not be presented to the HGB Scrutiny Committee, but HGB Scrutiny Committee members will be notified of them as long as they contain at least 50 signatures;
- (e) Petitions must be submitted either (i) in hard copy, or (ii) via the HGB e-petition platform, in the format prescribed on the HGB portal, at least 10 clear working days before the date of the meeting. Petitions shall be administered by the Democratic Services Team of Hertfordshire County Council;
- (f) Subject to the discretion of the Chair, a maximum of two petitions will be considered at any one meeting;

(g) Petition organisers will be permitted to present their petitions to the meeting and will be allowed to address the meeting for a maximum of three minutes;

(h) Where more than one petition is received in time for a particular meeting and they are considered by the Chair as supporting the same outcome or being broadly similar in intent, it may be necessary for a spokesperson to be nominated and present the petitions. If a spokesperson cannot be nominated or agreed, the petition organiser of the first petition received will be entitled to present their petition;

(i) Petitions will be rejected if the Chair considers them to be abusive or libellous, frivolous, vague or ambiguous, rude, offensive, defamatory, scurrilous or time-wasting or require the disclosure of exempt information (normally considered as 'confidential');

(j) Petitions on the same subject matter will not be accepted within a six-month period, unless there has been a material change of circumstances. Whether there has been a material change in circumstances will be determined by the Chief Legal Officer of Hertfordshire County Council in consultation with the Chair (or Vice-Chair).

13.2 Any matters arising from petitions considered by the HGB Scrutiny Committee can be reported to the HGB as per Standing Order 10.

#### **14. Participation at HGB Scrutiny Committee Meetings by Other Members of Partner Councils or Other Representatives of Partner Bodies**

14.1 At the discretion of the Chair, other elected members of the Councils, or representatives from the LEP or other co-opted members, may be entitled to speak and participate at meetings of the HGB Scrutiny Committee.

#### **15. Minutes**

15.1 The Chair will sign the minutes of the proceedings at the next suitable meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

15.2 The minutes will be accompanied by a list of agreed action points, which may be discussed in considering the minutes of the previous meeting should they not be specifically listed as items on the agenda for the meeting.

## **16. Exclusion of the Public and Press**

16.1 Members of the public and press may be excluded from meetings in accordance with the Access to Information legislation as applied by the administering authority with regard to the consideration of exempt or confidential information.

## **17. Recording of Proceedings**

17.1 The recording in any format of meetings of the HGB Scrutiny Committee is permitted, except:

- a. Where the Chair, or person presiding over the meeting, rules that filming is being undertaken in such a way that is disruptive or distracting to the good order and conduct of the meeting; and/or
- b. Where the public have been excluded from the meeting during the consideration of exempt or confidential information (see standing order 16).

## **18. Disturbance by the Public**

18.1 If a member of the public interrupts proceedings, the Chair, or person presiding over the meeting, will warn the person concerned. If the individual continues to interrupt, the Chair will order his or her removal from the meeting room.

18.2 If there is a general disturbance in any part of the meeting room open to the public, the Chair, or person presiding over the meeting, may call for that part of the room to be cleared.

18.3 If there is a general disturbance making orderly business impossible, the Chair, or person presiding over the meeting, may adjourn the meeting for as long as he or she thinks is necessary.

## **19. Interpretation of Standing Orders**

19.1 The ruling of the Chair as to the application of these Standing Orders shall be final.

## **20. Suspension of Standing Orders**

20.1 With the exception of Standing Orders 5, 7.1, 10 and 15, and as far as is lawful, any of these Standing Orders may, as far as is lawful, be suspended by motion passed unanimously by those entitled to vote.

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# **ACCESS TO INFORMATION PROCEDURE RULES**

## **ACCESS TO INFORMATION PROCEDURE RULES**

### **1. APPLICATION**

These rules apply to all meetings of the Council, the Executive, Committees and formally appointed subsidiary bodies and Joint bodies (together called meetings). However, they do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

### **2. ATTENDANCE AT MEETINGS**

Members of the public may attend all meetings, subject only to the exceptions in these rules.

### **3. NOTICES OF MEETINGS**

The Council will give at least five clear working days' notice (excluding the day of the meeting and day of despatch) of any meeting by posting details of the meeting at Daneshill House, Danestrete, Stevenage.

### **4. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING**

The Council will make copies of the agenda and reports available for public inspection at the designated office at least five clear working days before the meeting and as far as possible, on the Council's web site. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda. Where reports are prepared after the summons has been sent out, the designated officer shall make each report available to the public as soon as the report is completed and sent to Councillors.

### **5. SUPPLY OF COPIES**

The Council will supply copies of and/or make available on the Council's web site:

- a. Any agenda and reports which are open to public inspection;
- b. Any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- c. If the Borough Solicitor thinks fit, copies of any other documents supplied to Councillors in connection with an item.

Should a person or organisation require a copy of an agenda to be posted to them an appropriate charge may be levied.

**6. ACCESS TO MINUTES AND RELATED DOCUMENTS AFTER THE MEETING**

The Council will make available copies of the following for six years after a meeting:

- a. The Minutes of the meeting, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- b. The agenda for the meeting; and
- c. Reports relating to items when the meeting was open to the public.

**7. BACKGROUND PAPERS**

**a. List of background papers**

Each report must include a list of those documents (called background papers) relating to the subject matter of the report which:

- (i) Disclose any facts or matters on which the report or an important part of the report is based; and
- (ii) Which have been relied on to a material extent in preparing the report,

but does not include those which disclose exempt or confidential information (as defined in Rule 9) and in respect of executive reports, the advice of a political advisor.

**b. Public inspection of background papers**

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

**c. Background Documents to Executive Decisions**

At least one copy of each of the background documents listed for Executive decisions taken must be available for inspection at the Council's offices and on the Council's website.

**8. SUMMARY OF PUBLIC'S RIGHTS**

These Rules are the written summary of the public's rights to attend meetings and to inspect and copy documents. They are kept at and are available to the public at the Council offices at Daneshill House and on the

web site.

**9. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS**

**a. Confidential information – requirement to exclude public**

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

**b. Exempt information – discretion to exclude public**

Exempt information means information falling within the 7 categories (subject to any qualification) set out at (c) below.

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

**c. Exempt information**

Description	Qualification
1. Information relating to any individual.	Information within this category is exempt if and so long as, in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
2. Information which is likely to reveal the identity of an individual.	Public Interest – as in category 1 above.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).	Information is not exempt if it is required to be registered under: (a) the Companies Act 1985; (b) the Friendly Societies Act 1974 and 1992; (c) the Industrial and Provident Societies Act 1965 to 1978; (d) the Building Societies Act 1986; or

	<p>(e) the Charities Act 1983</p> <p>Information within this category which is not required to be registered is exempt if and so long as, in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>
<p>4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or the Minister of the Crown and employees of, or office holders under, the authority.</p>	<p>Public interest – as in category 1 above.</p>
<p>5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</p>	<p>Public interest – as in category 1 above.</p>
<p>6. Information which reveals that the authority proposes:</p> <p>(a) to give under any enactment a notice by virtue of which requirements are imposed on a person; or</p> <p>(b) to make an order or direction under any enactment</p>	<p>Public interest – as in category 1 above.</p>
<p>7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.</p>	<p>Public interest – as in category 1 above.</p>
<p>7A Information which is subject to any obligation of confidentiality.</p>	<p>Public interest – as in category 1 above.</p>
<p>7B Information which relates in any way to matters concerning national security.</p>	<p>Public interest – as in category 1 above.</p>
<p>7C The deliberations of the Standards Committee or of its</p>	<p>Public interest – as in category 1 above.</p>

Sub-Committees, established under the provisions of Part 3 of the Local Government Act 2000, in reaching any finding on a matter referred under the provisions of section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of that Act.	
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Information falling within any of the above Categories is not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

## **10. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS**

If the Chief Executive thinks fit, the Council may exclude access by the public to reports that relate to business which, in accordance with Rule 9, the meeting is likely not to be open to the public. Such reports will be marked 'Not for Publication' together with the category of information likely to be disclosed.

## **11. EXECUTIVE BUSINESS TAKEN IN PRIVATE**

- (a) In addition to rules 9 and 10 above, where the Executive or a Committee thereof is to consider a matter in private (under the provisions of Part 2 of the Local Authorities (Executive Arrangements) (Meetings and Access to information) (England) Regulations 2012, at least 28 days' notice must be given on the Council's website. This notice is to include details of the business to be considered, on what date and why the public and press are excluded. Representations maybe made about why the business is to be taken in private and these representations and a statement in response must also be published.
- (b) Where this provision cannot be met the business may only be taken in private when agreement has been obtained from the Chair of the Overview and Scrutiny Committee that the business is urgent and cannot reasonably be deferred.

## **12. PROCEDURES BEFORE TAKING KEY DECISIONS**

- (a) When a Key Decision is to be taken at least 28 days notice must be given on the Council's website and be available for inspection at the Council's offices. This notice must state the matter in respect of which the decision is to be made; the name

of the body/individual making the decision; on what date; list what documents are to be considered; the address where the document is to be available; that other relevant documents maybe submitted to the decision maker(s); and the procedure for requesting such documents. These provisions do not apply to documentation that may contain any confidential or exempt information.

- (b) Where the provisions of (a) above cannot be met the business may only be taken after five clear days of the proper officer having informed the Chair of the Overview and Scrutiny Committee in writing of the matter about which the decision is to be made and why the required 28 days' notice is/was not possible; this notice has been published on the website and is available for inspection at the Council's offices.
- (c) Where neither the provisions of (a) or (b) above are not practicable a Key Decision may only be taken when Chair of the Overview and Scrutiny Committee has been given details in writing as to why the decision is urgent and cannot reasonably be deferred and her/his agreement has been given that the decision may be taken under such circumstances. As soon as practicable after such agreement has been given, these details are to be published on the Council's website and made available for inspection at the Council's offices.

Use of the provisions of (c) above must be reported by the Leader, as soon as practicable to the next ordinary meeting of the Council. This report must include details of the decision taken and an explanation as to why these provisions were used.

### **13. NOTICE OF DECISIONS**

As soon as practicable after any meeting of the Executive or any of its Committees, the Proper Officer will produce a Notice of Decisions. The Notice will include a statement of the reasons for each decision; any alternative options considered and rejected at that meeting; and any relevant interests declared by members, together with any dispensations they have been granted.

### **14. DECISIONS BY INDIVIDUAL MEMBERS**

Where an individual member intends to take such a decision (as set out in Part 3 of this Constitution) they must have the matter documented and include evidence that the relevant Strategic Director, Senior Officer, Chief Finance Officer (or her/his deputy) and Monitoring Officer (or her/his deputy), or in the case a Local Community Budget Decision, the relevant Head of Service (or his/her nominee), are content with the decision to be taken. He/she will prepare, or instruct the Proper Officer to prepare, a

record of the decision, a statement of the reasons for it and any alternative options considered and rejected. The Notice must also include any relevant interests declared by Members, together with any dispensations they have been granted.

Before any such decision may be implemented, the report thereon must be circulated to all Members of the Council and made available for public inspection, subject to the exempt information rules. The matter will be subject to the Overview and Scrutiny Rules in relation to the call-in provisions before the decision may be implemented.

The provisions of Rules 6 and 7 (inspection of documents after meetings) will also apply to the making of decisions by individual Members.

All Non-Key Decisions taken by Executive members will be summarised in a report to the next ordinary meeting of the Executive as soon as possible after the decision has been taken. This provision does not apply to Local Community Budget Decisions.

If the decision taken is a Key Decision the provisions of paragraph 12 must apply.

## **15. KEY DECISIONS TAKEN BY OFFICERS**

The provisions for taking Key Decisions, as set out at paragraph 12 above must be followed.

As soon as reasonably practicable after a key decision has been taken by an officer, details of the decision taken, a statement of the reasons for it and any alternative options considered and rejected must be circulated to all Members of the Council and made available for public inspection, subject to the exempt information rules. The matter will be subject to the Overview and Scrutiny Rules in relation to the call-in provisions before the decision may be implemented.

## **16. ADDITIONAL RIGHTS OF MEMBERS**

### **a. Rights to Documents**

Subject to Rule 17(b) below –

any Member of the Council is entitled to inspect any document submitted to the Executive or that contains material relating to any business to be transacted in public at least five clear days before the date of the meeting (or as soon as possible if urgency provisions have been applied).

any Member of the Council is entitled to inspect any document submitted to the Executive or that contains material relating to any

business to be transacted at a private meeting immediately after the meeting concludes; or that relates to any decision taken by an individual Member or officer in accordance with executive arrangements immediately after the decision has been taken.

**b. Limits on rights**

The provisions of a. above do not apply if it appears to the proper officer that a document discloses exempt information of a description falling within Part 1 of Schedule 12A to the 1972 Act (descriptions of exempt information: England) unless the document requested contains information of a description for the time being falling within—

- paragraph 3 of Schedule 12A to the 1972 Act (except to the extent that the information relates to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract); or
- paragraph 6 of Schedule 12A to the 1972 Act.

**17. OVERVIEW AND SCRUTINY COMMITTEE AND SELECT COMMITTEES ('Scrutiny Members') ACCESS TO DOCUMENTS**

**a. Rights to copies**

Subject to b. below, a Member of the Overview and Scrutiny Committee or a Select Committee will be entitled to copies of any document which is in the possession or control of the Executive or its Committees and which contains material relating to:

- (i) Any business that has been transacted at any decision making meeting
- (ii) Any decision taken by an individual member of the Executive or officer in accordance with executive arrangements

Such documents are to be provided as soon as possible and in any case no later than 10 clear days after the request has been received.

**b. Limits on rights**

The Scrutiny Members will not be entitled to any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise.

Where the Executive decides that a Member of a Scrutiny Committee

is not entitled to a copy of a requested document it must provide that Committee with a written statement setting out its reason for that decision.

## **18. REPORTS WHERE A KEY DECISION PROCEDURE IS NOT FOLLOWED**

Where an executive decision has been taken but was not treated as a key decision and the Overview and Scrutiny Committee is of the opinion that it should have been, that Committee may require the Executive to submit a report to the next ordinary meeting of the Council, or sooner if specified.

The report must include details of -

- (i) the decision and the reasons for the decision
- (ii) Who took the decision; and
- (iii) if the executive of the relevant local authority are of the opinion that the decision was not a key decision, the reasons for that opinion.

## **19. GENERAL**

Notwithstanding the above:

- a. A Member will not be entitled to examine any document where he/she has an interest under the Council's Code of Conduct.
- b. A Member shall not disclose to any person any papers, business or other information of the Council, the Executive or Committee indicated as confidential or exempt (as defined in the Access to Information Rules set out in Part 4 of this Constitution) unless:
  - (i) The Council, the Executive or the Committee has taken steps to make that business public;
  - (ii) The relevant Chair expressly consents; or
  - (iii) The law requires.

A Member shall not be entitled to inspect personal files on individuals.

- c. The Chief Executive or Borough Solicitor can prevent inspection of documents which might be protected by privilege from the relationship of solicitor and client.

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# **BUDGET AND POLICY FRAMEWORK PROCEDURE RULES**

## **BUDGET AND POLICY FRAMEWORK PROCEDURE RULES**

### **1. The Framework for Executive Decisions**

The Council will be responsible for the adoption of its budget and policy framework as set out in Article 4. Once a budget or a policy framework is in place, it will be the responsibility of the Leader / Executive to implement it.

### **2. Process for developing the Budget and Policy Framework**

The process by which the budget and policy framework shall be developed is:

- a. The Leader / Executive will publicise, by including in the public notification of Key Decisions and Decisions to be taken in Part II document (known as the Forward Plan), details of when the Executive is to consider a matter whereby proposals will be submitted to the Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework, and its arrangements for consultation after publication of those initial proposals. The Chair of the Overview and Scrutiny Committee will also be notified. When the initial proposals are considered by the Leader or at a formal meeting of the Executive they shall be reported directly to a meeting of the Overview and Scrutiny Committee.
- b. At the end of that period, the Leader / Executive will then draw up firm proposals having regard to the responses to that consultation. The Overview and Scrutiny Committee may investigate, research or report in detail with policy recommendations before the end of the consultation period. The Leader / Executive will take any response from the Overview and Scrutiny Committee into account in drawing up firm proposals for submission to the Council, and its report to Council will reflect the comments made by consultees and the Leader's / Executive's response.
- c. Once the Leader / Executive has approved the firm proposals, the proper officer will refer them at the earliest opportunity to the Council for decision.
- d. If necessary, the Overview and Scrutiny Committee may report its comments directly to Council.
- e. The Council may make a formal objection to the Leader's / Executive's proposals (a procedure for dealing with such objections is detailed at paragraph 3 of these rules). This decision will be made on the basis of a simple majority of votes cast at the meeting.
- f. If the Council does not make a formal objection to the Leader's / Executive's proposals, it may make a decision with immediate effect.

This decision will be made on the basis of a simple majority of votes cast at the meeting.

In approving the Budget and Policy Framework, the Council will also specify the extent of in-year changes to the Budget and Policy Framework which may be undertaken by the Leader / Executive in accordance with paragraphs 6 and 7 of these rules (variations and in-year adjustments). Any other changes to the policy and budgetary framework are reserved to the Council.

In approving the Budget and Policy Framework, the Council can determine contingency sums in respect of the Council's budget heads that can be discharged by the Leader / Executive and any officers without further recourse to the Council.

### **3. Conflict resolution in setting the Budget and Policy Framework**

- a. Following consideration of the Leader's / Executive's recommendations concerning estimates or amounts within the budget or precept or a draft plan or strategy included in the Policy Framework, the Council, by simple majority, may:
  - Adopt the recommendations; or
  - Amend them; or
  - Refer them back to the Leader / Executive for further consideration; or
  - Substitute its own proposals in their place.
- b. Where the Council has given instructions to refer the matter back for further consideration or substituted its own proposals, decisions of the meeting will be provided to the Leader of the Council within two working days and provide details of its objections to the amounts, estimates or draft and/or reasons for the substitute proposals.
- c. Within five working days of the Leader receiving the decisions of the Council, he/she may either:
  - (i) submit revised estimates, amounts or a draft plan or strategy, as amended by the Leader / Executive, together with reasoning for the amendments, to the Council for consideration; or
  - (ii) inform the Council of any disagreement that he/she or the Executive has with any of the Council's objections and the Executive's reasons for any such disagreement.
- d. When the five working days specified in (c) above have expired, the Council must meet to re-consider its decision in the light of the Leader's / Executive's proposed amendments or disagreement, and decide upon the matter by resolution requiring a simple majority of

votes cast at the meeting.

- e. The decision can then be implemented immediately.

#### **4. Decisions Outside the Budget and Policy Framework**

- a. The Leader, Executive, Committees of the Executive, individual Members of the Executive and any officers may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by Council, then that decision may only be taken by the Council, subject to 5 below.
- b. If the Leader, Executive, Committees of the Executive, individual Members of the Executive and any officers want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Finance Officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and/or 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 in paragraph 5 (urgent decisions outside the budget or policy framework) shall apply.

#### **5. Urgent Decisions Outside the Budget or Policy Framework**

- a. The Leader, Executive, a Committee of the Executive, an individual Member of the Executive or officers may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by Council if the decision is a matter of urgency. However, the decision may only be taken:
  - (i) If it is not practical to convene a quorate meeting of the Council; and
  - (ii) if the Chair of the Overview and Scrutiny Committee, or in her/his absence the Vice-Chair, agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of Council and the consent of the Chair of the Overview and Scrutiny Committee to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chair and Vice-Chair of

the Overview and Scrutiny Committee the consent of the Mayor, or in her/his absence the Deputy Mayor, will be sufficient.

- b. 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. (See also Standing Order 37 'Urgency Procedure'.)

## **6. Virements**

- a. The Council shall have the following budget heads:
  - (i) General Fund Revenue Account
  - (ii) Housing Revenue Account
  - (iii) General Fund Capital Programme
  - (iv) Housing Capital Programme
  - (v) Trading Accounts
- b. Steps taken by the Leader, Executive, a Committee of the Executive, an individual Member of the Executive or officer to implement Council policy shall not exceed those budgets allocated to each budget head, including contingency sums. However, such bodies or individuals shall be entitled to vire within budget heads in accordance with the virement authorisation limits.
- c. Virements shall only be made within the Council's budget heads in accordance with the virement authorisation limits prescribed in Section 6 of the Council's financial regulations.

## **7. In-year changes to policy framework**

The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the Leader, Executive, a Committee of the Executive, an individual Member of the Executive or officers must be in line with it. No changes to any policy and strategy which make up the policy framework may be made by those bodies or individuals except those changes:

- a. Which will result in the closure or discontinuance of a service or part of service to meet budgetary constraint;
- b. Necessary to ensure compliance with the law, ministerial direction or government guidance;
- c. In relation to the policy framework in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on

the matter under consideration.

## **8. Call-in Decisions Outside the Budget or Policy Framework**

- a. Where the Overview and Scrutiny Committee is of the opinion that a decision of the Leader or the Executive is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Monitoring Officer and/or Chief Finance Officer.
- b. In respect of functions which are the responsibility of the Leader / Executive, the Monitoring Officer's report and/or Chief Finance Officer's report shall be to the Leader / Executive with a copy to every Member of the Council. Regardless of whether the decision is delegated or not, the Leader or the Executive (as appropriate) must decide what action to take in respect of the Monitoring Officer/Chief Finance Officer's report. In the event of the Monitoring Officer/Chief Finance Officer concluding that the decision was a departure, the Executive must prepare a report to Council. In the event that the Monitoring Officer or the Chief Finance Officer concludes that the decision was not a departure, the Executive must submit a report the Overview and Scrutiny Committee.
- c. If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or Chief Finance Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the Overview and Scrutiny Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 15 days of the referral to it by the Overview and Scrutiny Committee. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Finance Officer. The Council may either:
  - (i) Endorse the decision or proposal as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or
  - (ii) Amend the Council's financial regulations or policy concerned to encompass the decision or proposal of the body or individual responsible for that Executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or
  - (iii) Where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in

accordance with the budget, and does not amend the existing framework to accommodate it, require the Leader / Executive to reconsider the matter in accordance with the advice of either the Monitoring Officer or the Chief Finance Officer.

It should be noted that under the Council's current arrangements the only Member of the Executive who may take Key Executive decisions is the Leader of the Council

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# EXECUTIVE PROCEDURE RULES

## **EXECUTIVE PROCEDURE RULES**

### **1. Discharge of Executive Functions**

The arrangements for the discharge of executive functions are set out in Part 3 of this Constitution. If they are not set out there, then the Leader may decide how they are to be exercised. In either case, the arrangements or the Leader may provide for executive functions to be discharged by:

- The Leader (her/him self)
- The Deputy Leader
- The Executive
- A formal committee of the Executive
- An individual member of the Executive
- An officer
- An individual Councillor (in respect of Local Community Budgets)
- Joint arrangements; or
- Another local authority

### **2. The Council's Scheme of Delegation and Executive Functions**

- a. Subject to (b) below, the Council's scheme of delegation for non-executive decisions, as set out in Part 3 of this Constitution, will be subject to adoption by the Council and may only be amended by the Council.
- b. The Leader may delegate executive functions, and amend these delegations subsequently. The Leader must give written notice to the proper officer and to the person, body or committee concerned. The notice must set out the extent of the delegation and whether it entails the withdrawal of delegation from any person, body, committee or the Executive as a whole. The proper officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.
- c. Sub-delegation of Executive functions:
  - (i) Where the Executive, a committee of the Executive or an individual member of the Executive is responsible for an Executive function, they may delegate further under joint arrangements or to an officer.
  - (ii) if the Leader delegates functions to the Executive, then the Executive may delegate further to a committee of the Executive, an individual Executive Member or to an officer.
  - (iii) Unless the Leader directs otherwise, a committee of the Executive to whom functions have been delegated by the

Leader may delegate further to an officer.

- (iv) Even where Executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

### **3. Conflicts of Interest**

- a. Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- b. If every member of the Executive has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- c. If the exercise of an Executive function has been delegated to a committee of the Executive, an individual member or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- d. In the case of a Councillor having a Prejudicial Interest in a decision regarding her/his Local Community Budget the decision is to be taken by the Leader.

### **4. Executive meetings**

- a. The Executive will meet in accordance with the timetable agreed annually or otherwise as required by the Leader or the majority of the members of the Executive or other person entitled to call a meeting. The Executive shall meet at the Council's main offices or another location to be agreed by the Leader and be convened in accordance with the Access to Information Rules.
- b. Executive meetings will be held in public, subject to consideration of exempt or confidential information. These meetings will be governed by the Access to Information Rules.
- c. Where Executive decisions are delegated to a formal body of the Executive, the rules applying to Executive decisions taken by them shall be the same as those applying to those taken by the Executive as a whole.
- d. The Leader, if present, will preside over meetings of the Executive. In her/his absence, the Deputy Leader will preside. In the absence of both of them a person elected to do so by those present shall preside.

- e. At each meeting of the Executive the following business will be conducted:
  - (i) Apologies for absence and Declarations of Interest.
  - (ii) Consideration of the Minutes of the last meeting.
  - (iii) Matters referred to the Executive for reconsideration in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules.
  - (iv) Matters set out in the agenda for the meeting (with each indicating whether they are Key or Non-Key decisions in accordance with the Access to Information Procedure Rules).

## **5. Agenda Items**

- a. All matters considered and decisions taken must comply with the provisions of the Access to Information Rules at Section 4b of this Constitution.
- b. All reports to the Executive on proposals relating to the budget and policy framework should contain details of the nature and extent of any consultation with stakeholders and relevant overview and scrutiny committees, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate.
- c. The Leader may put on the agenda of any Executive meeting any matter which he/she wishes, whether or not authority has been delegated to the Executive, a committee of it or any member or officer in respect of that matter. The proper officer will comply with the Leader's requests in this respect.
- d. The Chief Executive may put on the agenda of any Executive meeting any matter which he/she considers appropriate.
- e. Any Member of the Council may ask the Leader to put an item on the agenda of an Executive meeting for consideration, and if the Leader agrees the item will be considered at the next available meeting of the Executive. The notice of the meeting will give the name of the Councillor who asked for the item to be considered. This individual will be invited to attend the meeting. However, there may only be up to two such items per Executive meeting.
- f. The Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of an Executive meeting and may require the proper officer to call such a meeting

in pursuance of their statutory duties. In other circumstances, where any two of the Head of Paid Service, Chief Finance Officer and Monitoring Officer are of the opinion that a matter requires a decision, they may jointly include an item on the agenda of an Executive meeting. If there is no meeting of the Executive soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

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# **OVERVIEW AND SCRUTINY PROCEDURE RULES**

## **OVERVIEW AND SCRUTINY PROCEDURE RULES**

### **1. Arrangements for Scrutiny**

The Council will have an Overview and Scrutiny Committee and two Select Committees ('the Scrutiny Committees') as set out in Article 6 of this Constitution to undertake its functions conferred by section 21 of the Local Government Act 2000 or regulations under section 32 of the Local Government Act 2000, functions conferred by sections 119 and 126 of the Local Government and Public Involvement in Health Act 2007, and Section 19 of the Police and Justice Act 2006.

The terms of reference of the Overview and Scrutiny Committee and the three Select Committees are set out in Part 3 of this Constitution.

### **2. Scrutiny Members**

The Leader, Members of the Executive and the Chair of the Audit Committee may not be appointed to serve on the Scrutiny Committees.

No Member may be involved in scrutinising a decision in which he/she has been directly involved.

### **3. Co-optees**

The Committees may recommend to Council the appointment of a number of people as non-voting co-optees to serve.

### **4. Meetings of the Scrutiny Committees**

The Committees will meet as and when required. A meeting of the Committee may be called by the Chair, by a majority of the Members of the Committee or by the proper officer if he/she considers it necessary or appropriate.

### **5. Quorum**

The quorum for Overview and Scrutiny Committee is four elected Members. The quorum for each of the Select Committees is three elected Members.

### **6. Chairing Meetings**

The Chairs of each Committee are appointed by Council and that person shall preside at all meetings. In the absence of the Chair, the appointed Vice-Chair shall preside.

### **7. Work Programme**

The Scrutiny Committees will be responsible for setting their own

programme, subject to their individual terms of reference.

## **8. Agenda items**

Any Member of a Committee shall be entitled to give notice to the proper officer that he/she wishes an item relevant to the functions of the Committee to be included on the agenda for the next available meeting of the Committee. On receipt of such a request the proper officer will ensure that it is included on the next available agenda.

The Committees shall respond, as soon as the work programme permits, to requests from the Council and if it considers it appropriate the Leader / Executive to review particular areas of Council activity. Where they do so, the Committee shall report their findings and any recommendations back to the Council or Executive, as appropriate. The Council and/or the Executive shall consider the report of the Committee as soon as reasonably practicable.

Under Section 126 of the Local Government and Public Involvement in Health Act 2007, any Member of the Council may refer a local crime and disorder matter to Community Select Committee for consideration. Such requests should be made to Constitutional Services. The Chair of the Community Select Committee will then determine, in consultation with the proper officer, whether to accept the referral.

## **9. Councillor Call for Action (CCfA)**

- a. Under Section 119 of the Local Government Act and Public Involvement in Health Act 2007, any Member of the Council may raise a local government matter for inclusion on the agenda for the next meeting of the relevant Scrutiny Committee.
- b. Before exercising this power, Members must ensure that all possible alternative methods of resolving the issue have been exhausted.
- c. Items to be raised under the CCfA should be referred to Constitutional Services. The Chair of the relevant Scrutiny Committee will then determine, in consultation with the Proper Officer, whether the requirements of b. above have been met.
- d. If the item is accepted onto the agenda under the CCfA arrangements, the matter will be included on the agenda for the next available meeting of the relevant Committee, and the Member who raised the issue will be permitted to present the item at the meeting.

- e. Having considered a matter raised under CCfA, that Committee will determine whether to make any recommendations in relation to the issue.
- f. The CCfA powers may not be used during the six weeks immediately prior to an election.

**10. Budget and Policy Framework, Policy Development and Scrutiny Studies**

- a. The Overview and Scrutiny Committee is responsible for working with the Leader / Executive on the development of the Council's budget and policy framework. Details are set out in the Budget and Policy Framework Procedures Rules. Officers are to include the views of the Overview and Scrutiny Committee in the final report to the Executive.
- b. In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Committees may make proposals to the Leader / Executive for developments insofar as they relate to matters within their terms of reference. Committees are expected to meet on an informal basis with the relevant Executive Member and Officers on policy development matters going forward to the Executive. Officers are to include the views of the relevant Committee in the final report to the Executive.
- c. The Committees may undertake Scrutiny Studies and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

**11. Scrutiny Reports to the Executive**

- a. Once recommendations on proposals following a scrutiny study have been finalised, the Committees will prepare formal reports and submit them for consideration by the Leader / Executive/ Portfolio Holder if the proposals are consistent with the existing budgetary and policy framework, or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework).
- b. The Council, Leader / Executive / Portfolio Holder shall consider and respond in writing to the report and recommendations of the Scrutiny

Committees, indicating what (if any) action the Council, or the Executive, proposes to take and to do so within two months of receiving the report and recommendations.

- c. The agenda for Executive meetings shall include provision for issues raised by the Committees or may be considered together with a substantive item on the agenda to which they relate.
- d. Where a Committee submits a report for consideration by the Executive in relation to a matter where power is delegated to an individual Member of the Executive, then the Scrutiny Committee will submit a copy of their report to her/him for consideration. At the time of doing so, the Scrutiny Committee shall serve a copy on the proper officer. The Member with delegated decision-making power must consider the report and recommendations and respond in writing to the Committee indicating what (if any) action they propose to take and to do so within two months of receiving the report and recommendations. A copy of her/his written response to it shall be sent to the proper officer and the Leader. The Member will also attend a future meeting of the Scrutiny Committee, if requested to present their response.
- e. The Members of the Scrutiny Committees will be alerted to Key Decisions to be taken by the Executive and decisions to be taken in Part II by way of the Forward Plan that is published at least 28 days before the meeting where these matters are to be considered.
- f. If a Key Decision is taken by the Executive and details have not been published with 28 days' notice, or if a matter is taken in Part II and details have not been published with 28 days' notice, the Chair of the Overview and Scrutiny Committee must consider whether it is appropriate to take that report given the reason for urgency. Any such decisions taken by the Chair should be reported to the next meeting of the Committee.
- g. If it is considered that an Executive decision has been taken that was not treated as being a key decision the Overview and Scrutiny Committee may require the Executive to submit a report to the next ordinary meeting of the Council, or sooner if specified.

The report must include details of -

- (i) the decision and the reasons for the decision
- (ii) Who took the decision; and
- (i) if the executive of the relevant local authority are of the opinion that the decision was not a key decision, the reasons for that opinion.

## **12. Rights of Scrutiny Members**

- a. In addition to their rights as Councillors, Members of the Scrutiny Committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- b. There are no rules to prevent a more detailed liaison between the Leader / Executive and Scrutiny Committees, as appropriate depending on the particular matter under consideration.

## **13. Members and officers giving account**

- a. The Scrutiny Committees may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions, subject to their remit. As well as reviewing documentation, in fulfilling the scrutiny role, they may require the Leader, any Member of the Executive, the Head of Paid Service and/or any senior officer to attend before it to explain in relation to matters within their remit:

- (i) Any particular decision or series of decisions;
- (ii) The extent to which the actions taken implement Council policy; and/or
- (iii) Their performance;

and it is the duty of those persons to attend if so required.

- b. Where any Member or officer is required to attend a Committee under this provision, the Chair of that Committee will inform the proper officer. The proper officer shall inform the Member or officer in writing giving at least five working days' notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to give account and whether any papers are required to be produced for the meeting. Where the account to be given to the Committee will require the production of a report, then the Member or officer concerned will be given sufficient notice to allow for preparation of that documentation.
- c. Where, in exceptional circumstances, the Member or officer is unable to attend on the required date, then the Committee shall, in consultation with the Member or officer, arrange an alternative date for attendance to take place as soon as reasonably practicable.

## **14. Attendance by others**

A Scrutiny Committee may invite people other than those people referred

to in paragraph 13 above to address it, discuss issues of local concern and/or answer questions. It may, for example, wish to hear from residents, stakeholders and Members and officers in other parts of the public sector and shall invite such people to attend. Attendance by these persons is, of course, entirely optional.

## **15. Call-in**

(Note: Within Executive forms of constitutions there are several mechanisms which can be used to resolve conflict between the Executive and the Council/development and scrutiny committees. So long as there is compliance with section 21(3) of the Local Government Act 2000, Councils have a choice about the chosen mechanism.)

Call-in should only be used in most exceptional circumstances. These are where Members of the Overview and Scrutiny Committee have evidence which suggests that the body or person deciding the matter did not take the decision in accordance with the principles set out in Article 11 (Decision Making).

- a. When a decision is made by the Leader, Executive, an individual Member of the Executive or a committee of the Executive or under joint arrangements, or a key decision is made by an officer with delegated authority, the decision shall be published, including where possible by electronic means, and shall be available at the main office of the Council normally within two days of being made. All Members of the Scrutiny Committees shall be alerted of each decision.
- b. That notice will bear the date on which it is published and will specify the date on which decision is to be implemented i.e. on the expiry of five working days after the publication of the decision, unless the Overview and Scrutiny Committee objects to it and calls it in.
- c. During that period, the proper officer shall call-in a decision for scrutiny by the Overview and Scrutiny Committee if so requested by three Members of that Committee or if it is so decided by a simple majority of those Members voting at a meeting of the Committee and shall then notify the decision-taker of the call-in. The proper officer shall call a meeting of the relevant Committee on such date as he/she may determine, after consultation with the Chair of the Committee, and in any case within five working days of the decision to call-in.
- d. If, having considered the decision, the Overview and Scrutiny Committee is still concerned, then it may if so decided by a simple majority of those Members voting, refer it back to the decision-making person or body for reconsideration, setting out in writing the nature of its concerns, or refer the matter to Council. The decision shall be referred to Council only if the Committee considers that the decision is contrary to the policy framework or contrary to or not wholly in accordance with the budget (see Budget and Policy Framework

Procedure Rules). If referred to the decision-maker they shall then reconsider within a further ten working days, amending the decision or not, before adopting a final decision.

- e. If following an objection to the decision in (c) above, the Overview and Scrutiny Committee does not meet in the five day period set out above, or does meet but does not refer the matter back to the decision-making person or body, the decision shall take effect on the date of the Overview and Scrutiny Committee meeting, or the expiry of that further five working day period (referred to in (c) above), whichever is earlier.
- f. If the matter was referred to Council, the Council will meet within 15 working days of the reference. If the Council does not object to a decision which has been made, no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it has no authority to make decisions in respect of an Executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget (in the case of decisions which are or may be contrary to the policy framework or contrary to or not wholly consistent with the budget, refer to Budget and Policy Framework Procedure Rules). Unless that is the case, the Council will refer any decision to which it objects back to the decision-making person or body, together with the Council's views on the decision. That decision-making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Leader, Executive or a Committee of it, a meeting will be convened to reconsider within ten working days of the Council request.
- g. If the Council does not meet, or if it does but does not refer the decision back to the decision-making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

### **Exceptions**

- h. In order to ensure that call-in is not abused, nor causes unreasonable delay, certain limitations beyond those already referred to are to be placed on its use. They are:
  - (i) That Overview and Scrutiny Committee may only call-in one decision per calendar month.
  - (ii) Day-to-day management and operational decisions taken by officers are not subject to call-in.
  - (iii) Decisions on appeals heard by Members.

- (iv) Decisions on Local Community Budget spend

### **Call-in - Urgency**

- i. The call-in procedure set out above shall not apply where the decision being taken by the Leader, Executive, individual Member or officer, is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would prejudice the Council's or the public interests. The record of the decision and notice by which it is made public shall state whether in the opinion of the decision-making person or body, the decision is an urgent one, and therefore not subject to call-in. The Chair of the Overview and Scrutiny Committee must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chair, the Vice-Chair's consent shall be required. In the absence of both, the Head of Paid Service or her/his nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for the urgency.
- j. The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

### **16. Decisions of the Chair**

Any decisions taken by a Chair or Vice-Chair in relation to the process for dealing with urgent matters under these Rules, or any other Rules contained in this Part of the Constitution, should be summarised and reported to the next possible meeting of the relevant Committee.

### **17. The Group Whip**

When considering any matter in respect of which a Member of a Scrutiny committee is subject to a Group 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.

For clarification of this provision 'Group Whip' means 'Any instruction given by or on behalf of a political group to any Councillor who is a Member of that group as to how that Councillor shall speak or note on any matter before the Council or any committee or sub-committee, or the application or threat to apply any sanction by the group in respect of that Councillor should he/she speak or vote in any particular manner'.

## **18. Procedures at Scrutiny Committees**

- a. The Committees shall consider the following business:
  - (i) Minutes of the last meeting;
  - (ii) Declarations of interest (including whipping declarations);
  - (iii) Consideration of any matter referred to the Committee for a decision in relation to call-in of a decision ;
  - (iv) Responses, where appropriate, of the Executive to reports of the Scrutiny Committee;
  - (v) Reports on scrutiny work undertaken by Members of the Committee;
  - (vi) A summary of approvals, or otherwise, given by the Chair in cases of urgency (Overview and Scrutiny Committee)
  - (vii) The business otherwise set out on the agenda for the meeting.
  - (viii) Items referred to the Committee under the Councillor Call for Action (CCfA) – see section 9 above.
  - (ix) Local Crime and Disorder matters referred to the Committee under Section 126 of the Local Government and Public Involvement in Health Act 2007 (Community Select Committee)
- b. Where a Committee has asked people to attend to give evidence at meetings following principles shall apply:
  - (i) That the investigation be conducted fairly and all Members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
  - (ii) That those assisting the Committee by giving evidence be treated with respect and courtesy; and
  - (iii) That the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- c. Following any investigation or review, a report shall be prepared, approved by the Committee and submitted to the Leader / Executive and/or Council, or an officer as appropriate.



# Financial Regulations

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## **INTRODUCTION**

These Regulations have been adopted by the Council and form an essential part of the control framework within which the Council operates. Each section includes general guidelines to staff on the practical application of the Regulations. Useful contacts are also included in each section of this document.

These Regulations are designed to ensure that financial decisions are taken in a considered and informed manner by assuring that consistent, high quality financial information is available to Members and Officers. In this way we can be confident that financial management ensures that the Council's objectives are met in an economical, effective and efficient way whilst still maintaining the highest levels of accountability.

The Regulations should be used in conjunction with Contract Standing Orders which documents important rules concerning the conduct of council staff and the procedures they must follow. The general principals contained in the Regulations may be supplemented by detailed procedures specified by or agreed with the Strategic Director (Chief Financial Officer). Responsibility for approving and recommending changes to the financial control framework rests with the Strategic Director (Chief Financial Officer) who will be pleased to receive any comments on the operation of the Financial Regulations or Contract Standing Orders.

All staff are bound by these Regulations and will be affected by them to some degree depending on their duties. Training will be provided for those staff who are regularly involved in the application of Financial Regulations or Contract Standing Orders.

Assistant Directors will be responsible for ensuring that their appropriate officers/employees:

- (a.) have access to a copy of these Regulations, where appropriate
- (b.) Receive appropriate training in order that they understand and comply with the Regulations.

The Strategic Director is the nominated Chief Finance Officer.

Every officer has a responsibility to read and be familiar with these Regulations.



**Clare Fletcher**  
Strategic Director  
(Chief Financial Officer)

## **1. STATUS OF FINANCIAL REGULATIONS**

- 1.1 Financial Regulations provide the framework for managing the Council's financial affairs. They apply to every Member and Officer of the Council and anyone acting on its behalf.
- 1.2 The Regulations identify the financial responsibilities of the **Full Council, Executive, Policy committees and Overview and Scrutiny Committees** and Scrutiny Members, the Head of Paid Service, the Monitoring Officer, the Chief Finance Officer and other Officers.
- 1.3 All Members and staff 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, provides value for money and achieves best value.
- 1.4 The Strategic Director (Chief Financial Officer) is responsible for maintaining a continuous review of the Financial Regulations and submitting any additions or changes necessary to the **Full Council** for approval. The Strategic Director (Chief Financial Officer) is also responsible for reporting, where appropriate, breaches of the Financial Regulations to the Council and/or to the Executive Members.
- 1.5 The Authority's detailed financial procedures are contained in the relevant sections of these Financial Regulations.
- 1.6 Assistant Directors are responsible for ensuring that all staff in their Business Units are aware of the existence and content of the Authority's Financial Regulations and other internal regulatory documents and that they comply with them. They must also ensure that an adequate number of copies are available for reference within their departments. Copies are also available on the intranet under 'Staff Info / Finance'.
- 1.7 The Strategic Director (Chief Financial Officer) is responsible for issuing advice and guidance to underpin the Financial Regulations that Members, Officers and others acting on behalf of the Authority are required to follow.
- 1.8 Financial management covers all financial accountabilities in relation to the running of the authority, including the policy framework and budget.
- 1.9 **Head of Paid Service (and Chief Executive)**

The Head of Paid Service is responsible for the corporate and overall strategic management of the Council as a whole. He or she must report to and provide information for the **Executive**, the **Full Council**, the Overview and **Scrutiny Committees** and Audit committee and other committees. He or she is responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the organisation. The Head of Paid Service is also responsible, together with the Monitoring Officer, for the system of record keeping in relation to all the Full Council decisions (see below).

**1.10 Monitoring Officer (Borough Solicitor) provided by shared Legal Service**

- (a.) The Monitoring Officer is responsible for promoting and maintaining high standards of financial conduct and therefore provides support to the **Standards Committee**. The Monitoring Officer is also responsible for reporting any actual or potential breaches of the law or maladministration to the **Full Council** and/or to the **Executive**, and for ensuring that procedures for recording and reporting key decisions are operating effectively.
- (b.) The Monitoring Officer must ensure that **Executive** decisions and the reasons for them are made public. He or she must also ensure that Members are aware of decisions made by the **Executive** and of those made by Officers who have delegated executive responsibility.
- (c.) The Monitoring Officer is responsible for advising all Councillors and Officers about who has authority to take a particular decision.
- (d.) The Monitoring Officer is responsible for advising the **Executive** or **Full Council** about whether a decision is likely to be considered contrary or not wholly in accordance with the policy framework.
- (e.) The Monitoring Officer (together with the Strategic Director (Chief Financial Officer)) is responsible for advising the **Executive** or **Full Council** about whether a decision is likely to be considered contrary or not wholly in accordance with the budget. Actions that may be 'contrary to the budget' include:
- initiating a new policy
  - committing expenditure in future years to above the budgeted level
  - causing the total expenditure financed from Council Tax, grants and corporately held reserves to increase, or to increase by more than a specified amount.
- (f.) The Monitoring Officer is responsible for maintaining an up-to-date constitution.

**1.11 S151 Officer - Strategic Director (Chief Financial Officer)**

(a.) The S151 Officer has statutory duties in relation to the financial administration and stewardship of the authority. This statutory responsibility cannot be overridden. The statutory duties arise from:

- Section 151 of the Local Government Act 1972
- The Local Government Finance Act 1988
- The Local Government Finance Act 1989
- The appropriate Accounts and Audit Regulations
- The Local Government Act 2000
- The Local Government Act 2003

(b.) The S151 Officer is responsible for:

- The proper administration of the Authority's financial affairs
- Setting and monitoring compliance with finance management standards
- Advising on the corporate financial position and on the key financial controls necessary to secure sound financial management
- Providing financial information
- Preparing the revenue budget and capital programme
- Treasury management and banking.
- Providing an opinion on the 'Annual Governance Statement' Published with the Statement of Accounts.
- Measures to prevent/detect the laundering of illegally obtained money through the Council.

(c.) Section 114 of the Local Government Finance Act 1988 requires the S151 Officer to report to **Full Council, Executive** and the External Auditor if the Council or one of its Officers:

- Has made, or is about to make, a decision which involves incurring unlawful expenditure
- Has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the authority
- Is about to make an unlawful entry in the authority's accounts

Section 114 of the 1988 Act also requires:

- The S151 Officer to nominate a properly qualified member of staff to deputise should he or she be unable to perform the duties under Section 114 personally. The Assistant Director (Finance & Estates) or any properly qualified member as directed by the Chief Finance Officer is SBC's nominated deputy.

- The Authority to provide the Strategic Director (Chief Financial Officer) with sufficient staff, accommodation and other resources – including legal advice where this is necessary – to carry out the duties under Section 114.

### **1.12 Strategic Directors**

- (a.) Strategic Directors are individually responsible for the proper financial management of resources allocated to Assistant Directors they sponsored and their Business Units through the budget process and for the identification of and accounting for income which falls due within their area. This includes control of staff and the security, custody and control of all other resources including plant, buildings, materials, cash stores or equipment.
- (b.) Strategic Directors shall ensure that their staff receive sufficient training to enable them to be aware of and comply with the requirements of Financial Regulations and Standing Orders.
- (c.) Strategic Directors may delegate specific responsibilities under the approved scheme of delegation. Responsibilities are delegated to Strategic Directors through the constitution which can then be sub delegated.

### **1.13 Assistant Directors**

- (a.) Assistant Directors are individually responsible for the proper financial management of resources allocated to their Business Units through the budget process and for the identification of and accounting for income which falls due within their area. This includes control of staff and the security, custody and control of all other resources including plant, buildings, materials, cash stores or equipment.
- (b.) Assistant Directors shall ensure that their staff receive sufficient training to enable them to be aware of and comply with the requirements of Financial Regulations and Standing Orders.
- (c.) Assistant Directors are responsible for ensuring that **Executive** Members are advised of the financial implications of all proposals and that the financial implications have been agreed by the Strategic Director (Chief Financial Officer).
- (d.) It is the responsibility of Assistant Directors to consult with the Strategic Director (Chief Financial Officer) and seek approval on any matter liable to affect the Authority's finances materially, before any commitments are incurred.

- (e.) Where budget responsibility is delegated to officers below that of Assistant Director (ie Budget holder) it is the responsibility of Assistant Director to ensure the budget holder has skills and knowledge to enable them to undertake their budget responsibilities and that the scope and extent of budget responsibility is known.

#### **1.14 Budget holders**

- (a.) Cost centre budgets will be designated to a specific Budget holder.
- (b.) Budget holders and their staff will comply with these Financial regulations and contract standing orders when dealing with financial matters.
- (c.) Budget holders must review their approved budgets on a monthly (at a minimum) basis and are responsible for ensuring that appropriate action is taken where variation to the budget is projected (both overspends and underspends) and/or where income is projected to be over or under achieved. When appropriate budget holders should identify suitable virement in a timely manner to address the variance (see section 6 – Transfer of Budget).
- (d.) Budget holders will provide information to Finance Officers on projected income and expenditure for the current and future financial years to support the Council's capital strategy and medium term financial strategies (growth and financial security options).
- (e.) Income - With the exception of specific provision in leases, other long term arrangements and statutorily set fees Budget holders will review charges at least annually as part of the Council's budget setting process. The Strategic Director (Chief Financial Officer) must be consulted in relation to any proposals to vary the method of charging or in introducing new charges.
- (f.) Budget holders are responsible for reviewing outstanding debt on a monthly basis (at a minimum) and proposing appropriate action in accordance with the Council's debt recovery policy (see section 20).
- (g.) Budget holders will notify the Assistant Director (Finance and Estates) of any carry forward request for revenue budget allocation that is projected to be spent by September in the following financial year. Carry forward request are restricted to unforeseen delays in delivery of the service/goods and not the roll

forward of unspent budget. All carry forward requests are approved by Executive.

- (h.)** Budget holders are required to attend training sessions to be able to fulfill their budget responsibilities and financial regulation requirements. Budget holders will be supported by a designated Finance Business Partner in fulfilling their budget monitoring responsibilities.

## **2. BUDGET SETTING – CAPITAL**

**CONTACT: Strategic Director (Chief Financial Officer)**

- 2.1.** The format of the Capital Programme shall be determined by the S151 Officer.
- 2.2.** The Capital Programme reported to **The Executive** will include budgetary estimates of capital payments to be incurred in the ensuing financial years.
- 2.3.** **The Executive** shall consider the overall capital programme and the resources available, make amendments as thought fit, and shall recommend an overall programme to **Council**.
- 2.4.** All new schemes with the exception of emergency works or works that become urgent on the grounds of health and safety, must, prior to inclusion in the capital programme, have been considered as part of the Service and Financial Planning process. General Fund Capital schemes will be reviewed by the Leaders Financial Security Group The information provided must include details of the objectives of the scheme, the resources required, the timescale and the revenue implications. HRA Capital schemes are reviewed as part of the HRA Business Plan. The draft Capital Strategy is considered by Executive and Overview & Scrutiny in January for the following financial year and beyond (April-March and following years) and the Final Strategy consideration in February, prior to the Final Capital Strategy approved at the February Council.
- 2.5.** Urgent General Fund schemes which are required after the budget has been set annually in February must be considered by the Assets and Capital Board following the submission of a completed a Capital Programme Request for Funds form to be included with the next quarterly update report or in a separate committee report if required sooner. Schemes which exceed that threshold must be approved by Council.
- 2.6.** New General Fund schemes which are required after the budget has been set annually in February must completed a Capital bid form to be included with the next quarterly update report or in a separate committee report if required sooner.
- 2.7.** The capital programme is reported July (quarter four), September (quarter one), November (quarter two), March (quarter three). The Executive can only approve new schemes up to the value delegated by Council which is reviewed annually as part of the Capital Strategy presented to Council in February. Schemes which exceed that threshold must be approved by Council.

**2.8** Contracts for works or goods and services (by formal tender) relating to a budget **within** the approved Capital Strategy (as approved in accordance with the Budget and Policy Framework) and **equal to or less than the budgeted amount**, can be authorised without report to the Executive or Council **if** the Strategic Director (Chief Financial Officer) confirms the Strategy is adequately funded for the contract period, based on the following thresholds:

<b>Authorisation level</b>	<b>Total Contract Value (revenue)</b>	<b>Total Contract Value (capital)</b>
Executive	Total contract value more than £2Million but excluding contracts with annual value of less than £500k	Total contract value more than £2Million
Strategic Director following consultation with Portfolio holder	Total contract value between £1Million and £2Million but excluding contracts with annual value of less than £500k	Total contract value between £1Million and £2Million
Assistant Director	Total contract value between £75K and £1Million and total contract value between £1Million and £2Million with annual value of less than £500k	Total contract value between £75K and £1Million
As per authorised signatories lists	Less than £75K	Less than £75K

**2.9** If contracts for works or goods and services relating to a budget **within** the approved Capital Strategy, **exceed the value of budgetary provision**, the contract for goods and services **can be authorised if** the Strategic Director (Chief Financial Officer) confirms the Strategy is adequately funded for the contract period, based on the following thresholds:

- Less than £25,000 per annum reported in the next quarterly monitoring update
- More than £25,000 per annum and **does not** exceed the sum delegated to the Executive to approve for that year, requires reporting to Executive before the contract is signed.
- More than £25,000 per annum and **does exceed** the sum delegated to the Executive to approve requires reporting to both Executive and Council.

- 2.10** New contracts that do not relate to a budget within the approved Capital Strategy, (as approved in accordance with the Budget and Policy Framework) or a proposal to amend a project beyond its current policy must be considered by the Council in accordance with the Budget and Policy Framework, if more than the value delegated to Executive. All new General Fund schemes must complete the capital bid form as outlined in paragraph 2.6 above. This means that all new schemes must be reported as a minimum to the Executive. This is subject to the Executive delegated amount not being exceeded for the year.

**2.11** Virement from a capital budget can be permitted to meet the other schemes within the following thresholds:

<b>Virement Type</b>	<b>Assistant Director</b>	<b>Strategic Director</b>	<b>Executive (if delegation not exceeded)</b>	<b>Council</b>
<b>HRA:</b>				
<b>(b.) Between Capital Programmes</b>	Less than £25,000	£25,000-£50,000	£50,001 – £250,000	More than £250,000
<b>General Fund</b>				
<b>(c.) Between Capital Programmes</b>	Less than £25,000	£25,000-£50,000	£50,001 – £250,000	More than £250,000

**2.12** Virements between codes that enable better budget monitoring and management of larger capital programmes as requested by either budget managers or finance team are outside of the scope of these thresholds except where these virements would alter the service provision or overall budget allocation of the programme.

### **3. BUDGET SETTING – REVENUE**

**CONTACT:** Strategic Director (Chief Financial Officer)

- 3.1.** The detailed form of the Revenue Budget shall be determined by the Strategic Director (Chief Financial Officer).
- 3.2.** Revenue budgets include the General Fund Revenue Account, Housing Revenue Account and Trading Accounts.
- 3.3** The Strategic Director (Chief Financial Officer), in consultation with the relevant Assistant Directors, shall prepare revenue estimates. These estimates shall be submitted by the Strategic Director (Chief Financial Officer) and shall detail estimates of expenditure and income for the ensuing financial year and current year. The estimates shall show in respect of each item of expenditure and income:
  - (a)** Actual results for the last financial year.
  - (b)** Original and working budgets for the current financial year.
  - (c)** Original estimate for the following financial year.

In relation to (b) and (c) Strategic Director (Chief Financial Officer) or the appropriate Strategic Directors shall report on the reasons for material variations.

- 3.4** **The Executive** shall approve a strategy for fees and charges in line with the Council's overall policies for the coming year. The detailed fee increases will be recommended by the Fees and Charges Officer Group and reviewed by the Leaders Financial Security Group (LFSG). Assistant Directors will implement changes to fees and charges in accordance with this strategy and the scheme of delegation. **The Executive** should approve Assistant Directors changes to proposals in respect of fees and charges where these are not in accordance with the approved strategy or those recommended by LFSG.
- 3.5** **The Executive** shall consider the overall revenue budget and the resources available, make amendments as thought fit, shall consult with the **Overview and Scrutiny Committee** and shall recommend an overall budget to the **Full Council**.
- 3.6** It is the responsibility of the S151 Officer in this case the Strategic Director (Chief Financial Officer) to advise the **Executive** and/or the **Full Council** on prudent levels of reserves for the Authority. This will be based on a risk assessment of General Fund and allocated reserves.

- 3.7** For contract for works or goods and services (by formal tender) relating to a budget **within** the approved General Fund or HRA revenue budgets (as approved in accordance with the Budget and Policy Framework) and **equal to or less than the budgeted amount**, authorisation for contracts should be based on the following thresholds:

<b>Authorisation level</b>	<b>Total Contract Value (revenue)</b>	<b>Total Contract Value (capital)</b>
Executive	Total contract value more than £2Million but excluding contracts with annual value of less than £500k	Total contract value more than £2Million
Strategic Director following consultation with Portfolio holder	Total contract value between £1Million and £2Million but excluding contracts with annual value of less than £500k	Total contract value between £1Million and £2Million
Assistant Director	Total contract value between £75K and £1Million and total contract value between £1Million and £2Million with annual value of less than £500k	Total contract value between £75K and £1Million
As per authorised signatories lists	Less than £75K	Less than £75K

## **4. SUPPLEMENTARY ESTIMATES AND BUDGET INCREASES**

**CONTACT: Strategic Director (Chief Financial Officer)**

- 4.1** Supplementary estimates reduce the Council's reserves, and therefore must be used sparingly so as to not jeopardise the Council's Financial Strategy. Business Units should endeavour to find the resources from their own budgets, financing the project or variance through budget virement (see Section 6 of these Regulations). If this is not achievable in the first instance consideration should be given to the budget pressure being covered within other areas within the Assistant Director's remit. Supplementary estimates should represent a last option for financing a project or variance.
- 4.2** **The Executive** can approve Supplementary Estimates within the contingency sum approved by the **Full Council** within each Budget Head (as referred to in the Budget and Policy Framework). Supplementary Estimates above these levels, either individually or cumulatively, require the approval of **Full Council**. The cumulative annual supplementary limit for the Executive is approved as part of the annual budget setting report (January Council – HRA and February Council –General Fund) and is currently £400,000 for the General Fund and £250,000 for the HRA.
- 4.3** A Supplementary Estimate shall only be requested from **The Executive** where expenditure or a reduction in income will be incurred that cannot be accounted within a budget head by way of virement (see 4.1). A request for additional financial resources must be clearly identified in Committee reports and whether they are on-going or a one off. Additional budgets can also be approved as part of the quarterly monitoring reports and budget setting reports (subject to the supplementary limit not being exceeded) to the Executive in the following months;
- September (quarter one),
  - November (quarter two)
  - March (quarter three).
  - July (quarter four)
- 4.4** **Executive** Members with portfolio responsibility can approve supplementary estimates within the approved contingency sum for non-key decisions. A copy of the 'non-key decision notice' and '**Executive** Member with Portfolio Responsibility Report' must be forwarded to the Constitutional Services Manager and reported at the next available **Executive**, or as part of the revenue budget monitoring/setting reports to Executive.

- 4.5** Key decisions which are taken as an officer delegated decision which contain supplementary estimates should be published within two days of the decision being taken. Prior to the report being signed by the relevant officer the Strategic Director (Chief Financial Officer) must have been consulted to determine whether the in-year supplementary limit has been breached which would mean that the decision would require approval by **Full Council**.

## **5. BUDGETARY CONTROL**

**CONTACT: Strategic Director (Chief Financial Officer)**

- 5.1** The Strategic Director (Chief Financial Officer) shall make available to each Assistant Director, information concerning all income and expenditure falling within their respective responsibilities and such other information that may be relevant. This information shall allow comparison between actual expenditure, including committed expenditure, against the current budget.
- 5.2.** Each Assistant Director is responsible for ensuring that all expenditure and income is processed in a timely manner and charged to an appropriate account code to enable budgetary control information to be produced as per 5.1 above.
- 5.3.** Each Assistant Director is responsible for ensuring that all expenditure committed by their Business Units is within a revenue or capital budget. Any expenditure or income likely to vary significantly from an approved budget shall be reported to the Strategic Director (Chief Financial Officer). If appropriate a virement or supplementary estimate will be obtained and reported to Executive as part of the revenue and capital budget monitoring process.
- 5.4.** The inclusion of items in approved revenue or capital estimates shall constitute authority to incur such expenditure subject to compliance with any requirements mentioned elsewhere in these Regulations and Contract Standing Orders.
- 5.5** Any proposal outside the budget and policy framework that involves:
- (a.)** Capital expenditure not specifically included in the capital budget (subject to paragraph 2.5 and 2.8).
  - (b.)** Revenue expenditure on a new service or project that has not been specifically provided for in any of the revenue budgets or reported as part of the budget monitoring process, (paragraph 4.2-4.3)
  - (c.)** A new source of income or significant variation in an existing source of income or not reported as part of the quarterly monitoring process, (paragraph 4.2 - 4.3).
  - (d.)** The sale or disposal of land, buildings or other property of the Council, (other than those for which delegated authority has been given).

will be subject to the specific approval of the Council on the recommendation of **The Executive**. This will apply if:

- The in-year supplementary Estimate allowance for the General Fund, HRA or Capital Programme is exceeded.
  - The virement threshold for Executive has been exceeded (paragraphs 2.9 and 6.3 refers).
  - If during the project, the likely costs exceed the amount specifically approved or the scope of the project altered, then further specific approval must be sought unless the financial implications can be accommodated by Virement. The initial or any subsequent submission of such proposals to the Council shall be subject to the procedures in Section 4.
- 5.6** In a situation that necessitates expenditure or the acceptance of quotes/tenders in contravention of these Regulations, the relevant Strategic Director and the Strategic Director (Chief Financial Officer), in conjunction with the Chair of **The Executive**, shall have authority to sanction such expenditure. The Strategic Director (Chief Financial Officer), shall report such approvals in the schedule prepared under Regulation 4.4.
- 5.7** Nothing in these Financial Regulations shall prevent expenditure being incurred where an emergency or disaster involving destruction of or danger to life or property occurs or is imminent. Where in the opinion of the relevant Strategic Director, in consultation if possible with the Chief Executive and the Strategic Director (Chief Financial Officer), the urgency of the situation will not permit delay, nothing in the Financial Regulations or Standing Orders shall prevent the relevant Strategic Director from incurring expenditure. Action under this Financial Regulation shall be reported to the next meetings of **The Executive** and the **Full Council**.



- (i) There must be sufficient budget provision remaining in the source of the virement to meet all expenditure for the rest of the year.
- (j) Budget changes made by virement will only be actioned in the current year unless budget managers request a permanent budget change. In this instance the virement will be incorporated into the following year's original budget.

### 6.3 Virement Authorisation Limits

Virement Type	Authorisation Level			
	Budget Manager	Assistant Director	Executive	Council
(a.) Within a Service	Less than £25,000	£25,000 - £49,999*	£50,000 – £250,000*	More than £250,000*
(b.) Between Services	-	£25,000 – £49,999*	£50,000 – £250,000*	More than £250,000*
(c.) Between Capital Projects	-	Less than £50,000*	£50,000 – £250,000*	More than £250,000*
(d.) Between Portfolio Areas	-	-	Less than £250,000*	More than £250,000*

For the purposes of virement a service is defined as:-

General Fund – cost centre(s) comprising a portfolio summary line in the budget book

Housing Revenue Account – the whole account

Virements authorised by Assistant Directors, or Strategic Director will not require reporting to Committee.

- 6.4** When the virement is as a result of a rationalisation of the Council's financial system codes or the reallocation of a recharge, the authorisation level will up to £250,000 Finance Manager and over £250,000, the Strategic Director (Chief Financial Officer). This would include setting up new cost centres as a result of restructures, reviewing and rationalising subjective codes and changes to staff reports.

- 6.5** When the virement is as a result of budget changes approved as part of budget monitoring/setting approved by Executive and or Council the notice of decision is deemed to be authorisation.
- 6.6** All virements that relate to substantial changes in the method of service provision must be approved by an Assistant Director irrespective of amount. Where a virement would result in a major change to service provisions the approval must be sought form Executive.

## **7. ACCOUNTING**

**CONTACT: Strategic Director (Chief Financial Officer)**

- 7.1** All accounting procedures and records of the Council shall be determined by the Strategic Director (Chief Financial Officer), in so far as they are not prescribed by law.
- 7.2** All accounts and accounting records of the Council shall comply with the relevant accounting standards and shall be in a form determined by the Strategic Director (Chief Financial Officer),
- 7.3** All Assistant Directors shall ensure that the principles of Separation of Duties and good control procedures are observed in the allocation of accounting duties:
- (a.)** The duties of providing information regarding sums due to or from the Council and of calculating, checking and recording these sums shall be separated as completely as possible from the duty of collecting or disbursing them.
  - (b.)** Officers responsible for examining and checking the accounts of cash or stores transactions shall not themselves be engaged in any of these transactions.
- 7.4** As soon as possible after the end of each financial year, and not later than 30 September (subject to the completion of the external audit) the Strategic Director (Chief Financial Officer), shall report to **Full Council** or any delegated body (**Statement of Accounts Committee**).

## **8. TREASURY MANAGEMENT**

**CONTACT: Strategic Director (Chief Financial Officer)**

- 8.1** All external investments in the name of the Council shall be made in accordance with the Council's policy for Treasury Management.
- 8.2** Stevenage Borough Council adopts the key recommendations of CIPFA's Treasury Management Code of Practice (the Code), updated in 2018.
- 8.3** Accordingly, Stevenage Borough Council will create and maintain, as the cornerstones for effective treasury management:
- (a.)** a treasury management policy statement (TMPS), stating the policies and objectives of its treasury management activities
  - (b.)** suitable treasury management practices (TMP), setting out the manner in which Stevenage Borough Council will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.
- 8.4** Stevenage Borough Council's **Executive** will receive reports on its treasury management policies, practices and activities including, as a minimum, an annual strategy and plan in advance of the year, an annual report after its close and an in year monitoring report. The Strategy will be updated and reported more frequently if the Council financial circumstances change e.g. need to borrow or best practice recommends. The reports require approval by **Full Council**. The **Executive** will also receive updates on the Council's investments as part of the quarterly monitoring reports (revenue expenditure).
- 8.5** Stevenage Borough Council delegates responsibility for the scrutiny, implementation and monitoring of its Treasury Management Policies and practices to the **Audit Committee** and for the execution and administration of treasury management decisions to the Strategic Director (Chief Financial Officer) who will act in accordance with the Council's Policy Statement and TMPs and, if they are a CIPFA member, CIPFA's Standard of Professional Practice on Treasury Management.
- 8.6** The Strategic Director (Chief Financial Officer) shall report to the **Overview and Scrutiny Committee** on an exception basis, on investment and borrowing transactions.

**9. VALUE ADDED TAX (VAT)**

**CONTACT: Finance Manager (Technical)**

- 9.1** It shall be the responsibility of the Strategic Director (Chief Financial Officer) to secure arrangements for the administration and accounting of VAT to ensure compliance with all statutory requirements including such returns as are required within laid down timescales.
- 9.2** Each Assistant Director shall keep records, as determined by the Strategic Director (Chief Financial Officer) for the prescribed statutory period, of all matters pertaining to the administration and accounting of VAT, and in particular:
- (a.)** All supplier invoices, including any relevant back-up and authorisation documents;
  - (b.)** Documentation supporting all income raised by invoice;
  - (c.)** Documentation supporting all non-invoiced income, including amounts lodged directly with the bank and cash collected directly by departments.
- 9.3** The Strategic Director (Chief Financial Officer) nominates the Finance Manager (Technical) as the contact point for enquiries regarding any VAT matter. Each Strategic Director shall fully observe any direction and advice as may be issued by the office of the Strategic Director (Chief Financial Officer).

## **10. COMMITTEE REPORTS**

**CONTACT: Strategic Director (Chief Financial Officer)**

- 10.1** Strategic Director (Chief Financial Officer) shall ensure that Committee Reports contain a section outlining the financial implications of the matter being reported upon. Additionally, he/she shall be entitled to report upon the financial implications of any matter coming before the **Council, Executive** or other Committees, and shall further report to the **Select Committees and Overview and Scrutiny Committee**, if necessary, in the interests of the financial affairs of the Council. To allow the Strategic Director (Chief Financial Officer) to fulfil his/her obligations all Assistant Directors are obliged to consult with the Strategic Director (Chief Financial Officer) on all matters with a potential financial implication which are likely to result in a report to Committee.
- 10.2** With regard to reports prepared for consideration by Committee, Assistant Directors shall follow the expected format and latest detailed guidance notes, as issued by the Chief Executive and the Strategic Director (Chief Financial Officer), for ensuring all financial implications are identified and recognised. Further, Assistant Directors shall ensure that the Strategic Director (Chief Financial Officer) is fully consulted on the financial implications of reports with the inclusion of appendices within reports for ease of reference.
- 10.3** The following principles should be adhered to in the preparation of all Committee reports:-
- The report should clearly distinguish capital and revenue financial implications.
  - Implications for the capital budget should identify where provision exists within the Council's capital programme.
  - Implications for the revenue budget should identify where provision exists within the Council's revenue budget. It is not considered sufficient to indicate that any increase in expenditure will be contained within a Business Unit budget.
  - Implications for the revenue budget should distinguish ordinary running costs from capital financing costs.
  - Finance Business Partners within Financial Services should be involved in the calculation of such figures, as appropriate.
  - No additional budgetary implications will be allowed unless specifically approved by the **Executive** or **Full Council** (where appropriate).
  - Reports should make clear how additional or unbudgeted running

costs are to be funded in both the current year and future years revenue budgets i.e. via ongoing compensating savings, virement, external funding etc.

- Where virement is proposed, in order to fund overspends or unbudgeted expenditure, reports should indicate whether such virement is to be considered as a permanent adjustment or as a one-off.
- Government grant funding availability / arrangements should be clearly highlighted as should the expenditure covered by grant and any residual costs to be borne by the Council. If the grant is to be available for only a limited period then this should also be identified in the financial implications.
- Staffing changes / additions should clearly state whether such adjustments are of a permanent, temporary or fixed term nature.
- All financial implications narrative and supporting appendices should be agreed with the relevant Finance Business Partner at draft / consultation stage.
- Reports with significant financial implications, should, as a matter of course have a financial appendix which should provide a financial analysis broken down into appropriate cost and income headings (e.g. employee costs, property costs, supplies and services etc.) and should identify current year costs (which in the main will have a part year effect only) and costs for a full financial year.
- Costings for the purpose of financial implications should be to the nearest ten pounds using current year prices.

## **11. AUDIT REQUIREMENTS**

**CONTACT: Strategic Director (Chief Financial Officer)**

- 11.1** The Accounts and Audit Regulations require every local authority to maintain an adequate and effective internal audit function.
- 11.2** The Strategic Director (Chief Financial Officer) shall maintain an adequate and effective system of internal audit to all accounting, financial and other operations of the Council and in particular shall arrange for the examination, review and appraisal of:
- (a) the adequacy and effectiveness of the systems of financial, operational and management control, and their operation in practice in relation to the business risks to be addressed;
  - (b) the extent of compliance with, relevance of, and financial effect of, policies, standards, plans and procedures established by the Board or Members and the extent of compliance with external laws and regulations, including reporting requirements of regulatory bodies;
  - (c) the extent to which the assets and interests are acquired economically, used efficiently, accounted for and safeguarded from losses of all kinds arising from waste, extravagance, inefficient administration, poor value for money, fraud or other cause and that adequate business continuity plans exist;
  - (d) the suitability, accuracy, reliability and integrity of financial and other management information and the means used to identify, measure, classify and report such information;
  - (e) the integrity of processes and systems, including those under development, to ensure that controls offer adequate protection against error, fraud and loss of all kinds; and that the process aligns with the Council's strategic goals;
  - (f) the follow-up action taken to remedy weaknesses identified by the Shared Internal Audit Service (SIAS), ensuring that good practice is identified and communicated widely; and
  - (g) the operation of the Council's corporate governance and risk management arrangements.
- 11.3** SIAS in consultation with the Strategic Director (Chief Financial Officer) and Senior Leadership Team (SLT) shall prepare annual audit plans detailing the areas of audit coverage for the following year. These plans shall be presented to the **Audit Committee**.
- 11.4** Internal Auditors from SIAS have authority to:
- (a) Enter at any time Council premises or land subject to any statutory or contractual restrictions that may apply.
  - (b) Have access to all records, documents and correspondence relating to any financial or other business of the Council and to remove any such records as is necessary for the purpose of their work.

- (c) Receive any information and explanations considered necessary concerning any matter under examination.
- (d) Require any employee, agent or contractor of the Council to produce cash, stores or any other Council property under his or her control.
- (e) Have direct access to the Chief Executive, Audit Committee and **Select Committees and Overview and Scrutiny Committee.**

## 12. FRAUD, ANTI MONEY LAUNDERING AND IRREGULARITY

**CONTACT: Strategic Director (Chief Financial Officer)**

- 12.1** The Council will not tolerate internal or external fraud and corruption in the administration of its responsibilities.
- 12.2** The Strategic Director (Chief Financial Officer) shall be notified immediately by the Assistant Director of the Service Delivery Unit concerned of any suspected irregularity concerning cash, stores or other property of the Council or any suspected irregularity in the exercise of the functions of the Council. The Strategic Director (Chief Financial Officer) shall take such steps as he or she considers necessary by way of investigation and report.
- 12.3** Should it be found that any major irregularity has occurred or is occurring, the Strategic Director (Chief Financial Officer) shall immediately inform the Chief Executive and the Chairs of **The Executive, Overview and Scrutiny Committee and Audit Committee**.
- 12.4** The Strategic Director (Chief Financial Officer) and the Chief Executive will be responsible for deciding whether any irregularity shall be referred or reported to the Police. Any Fraud can also be reported to the **Shared Internal Fraud Service (SIFS)** who can be contacted at the website <http://www.hertsdirect.org/help/fraud/>
- 12.5** All employees and Members of the Council have a responsibility to bring to the attention of the Strategic Director (Chief Financial Officer) suspected irregularity. It is NOT Officers / Members responsibility to investigate suspicions as this could prejudice any investigation
- 12.6** Requests for surveillance under the Regulation of Investigatory Powers Act 2000 (RIPA) must be made to the Councils Shared Anti-Fraud Service (SAFS).
- 12.7** The Strategic Director (Chief Financial Officer) has overall responsibility for:
- (a)** Developing and maintaining an anti-fraud and corruption policy
  - (b)** Developing and maintaining a whistle blowing policy
  - (c)** Maintenance of a register of interests and a register for recording gifts or hospitality
  - (d)** Developing and maintaining an anti-money laundering policy
- 12.8** Assistant Directors will instigate the Council's disciplinary procedures where the outcome of an investigation indicates improper behaviour.
- 12.9** No payment to the Council will be accepted in cash if it exceeds £5,000.
- 12.10** Any employee who suspects money laundering activity must make a Disclosure Report reporting their suspicion promptly to the Money Laundering Reporting Officer (MLRO), or to the MLRO's deputy if appropriate, using the Money Laundering Reporting Procedure.

- 12.11** The employee must follow any subsequent directions of the MLRO or deputy, and must not themselves make any further enquiries into the matter.
- 12.12** The employee must not disclose or otherwise indicate their suspicions to the person suspected of money laundering.
- 12.13** The MLRO or deputy must promptly evaluate any Disclosure Report, to determine whether it should be reported to the National Crime Agency (NCA).
- 12.14** The MLRO or deputy must, if they so determine, promptly report the matter to NCA on their standard report form and in the prescribed manner.
- 12.15** The MLRO or deputy will commit a criminal offence if they know or suspect, or have reasonable grounds to do so, through a disclosure being made to them, that another person is engaged in money laundering and they do not disclose this as soon as practicable to the NCA.
- 12.16** Further details on anti-money laundering can be found in the Council's Anti-Money Laundering Policy.

### **13. INSURANCES & RISK MANAGEMENT**

**CONTACT: Insurance – Assistant Director (Finance & Estates)  
Risk Management- Assistant Director (Corporate Services &  
Transformation)**

- 13.1 Risk Management** – All organisations need to take risks to achieve their objectives - Risk is about uncertainty, therefore risk management, as well as providing a means of overcoming threats, provides the means to identify and respond to opportunities. Risk Management is a systematic process whereby organisations identify, evaluate, respond to and monitor risks attached to their activities. Risk cannot be eliminated and resources for managing risk are finite, therefore controls need to be targeted and proportionate to the threat. Well managed risk taking is fundamentally important to effective financial management and service delivery, and to maximising opportunities for service development.
- 13.2 The Executive** is responsible for approval of fundamental changes to risk management procedures (such as a new or revised Risk Management Strategy). The Executive has delegated authority for ongoing consideration of risk to the Council’s Audit Committee.
- 13.3** The overall responsibility for effective risk management lies with the Chief Executive. Corporate Risk Group is responsible for preparing the authority’s risk management policy statement and for promoting it throughout the Council. The Chief Executive and Leader have agreed and signed the Council’s Risk Management Policy.
- 13.4 Internal Control** – Internal Control refers to the systems of control devised by management to reduce risks to an acceptable level and to help ensure that the Authority’s objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the Authority’s assets and interests are safeguarded.
- 13.5** The Strategic Director (Chief Financial Officer) is responsible for advising on effective systems of Internal Control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other provisions that govern their use.
- 13.6** It is the responsibility of Assistant Directors to establish sound arrangements, consistent with guidance given by the Strategic Director (Chief Financial Officer), for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and achieving their financial performance targets.

- 13.7 Business Continuity** – Assistant Directors should ensure that adequate plans are in place for ensuring continuity of service in the event of a disaster or system failure.
- 13.8 Intellectual Property** - Intellectual Property is a generic terms that includes inventions and writing. If these are created by the employee in 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. Certain activities within the Council may give rise to items that may be patentable, for example, software development. These items are collectively known as Intellectual Property.
- 13.9** The Assistant Director (Corporate Services & Transformation) is responsible for developing and disseminating good practice through Intellectual Property procedures. Assistant Directors must 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 right with regard to Intellectual Property.
- 13.10 Insurances** - Arrangements for insurances shall only be made through the Assistant Director (Finance & Estates) who shall arrange such insurances as considered necessary to protect the Council’s interests.
- 13.11** The Assistant Director (Finance & Estates) shall maintain details of all policies, claims or other transactions relating to the Council’s insurance and details of all items or risks insured.
- 13.12** Assistant Directors are responsible for ensuring that the Assistant Director (Finance & Estates) is notified of all new risks which require to be insured and any alterations affecting existing insurances.
- 13.13** Assistant Directors shall be responsible for notifying the Assistant Director (Finance & Estates), as soon as possible of any loss, liability or damage or any event likely to lead to a claim. This notification should be in writing and addressed to the Insurance Manager.
- 13.14** The Assistant Director (Finance & Estates) or their representative shall negotiate all claims made by the Council against its insurers.
- 13.15** Employees of the Council shall be included in a fidelity guarantee policy suitable to the roles they perform.

**14. ESTATES**

**CONTACT: Head of Estates**

- 14.1** The Assistant Director (Finance & Estates) with responsibility for Estates Services shall be responsible for maintaining a terrier of all land and buildings owned by the Council, purpose for which held, location, extent and plan reference, purchase details, particulars of nature of interest and rents payable and particulars of tenancies granted.
- 14.2** The Assistant Director (Finance & Estates) in conjunction with the Borough Solicitor through the shared legal service shall be responsible for the safe custody of all title deeds, formal contracts and agreements under secure arrangements.

## **15. SALARIES AND OTHER EMOLUMENTS**

**CONTACT: Exchequer Manager**

- 15.1** The calculation and payment of all salaries, pensions, compensation and other emoluments to all employees, former employees or Members of the Council shall be made by the Strategic Director (Chief Financial Officer) under arrangements approved and controlled by him/her.
- 15.2** Assistant Directors are responsible for ensuring that the Strategic Director (Chief Financial Officer) / Exchequer Section and Employee Resourcing Team (Human Resources) / are notified as soon as possible of all matters affecting the payment of such sums and in particular:
- (a.)** Appointments, resignations, dismissals, suspensions, secondments and transfers.
  - (b.)** Absences from duty for sickness or other reason, apart from approved leave.
  - (c.)** Changes in pay in accordance with organisational policy.
  - (d.)** Information necessary to maintain records of service for pension, income tax, National Insurance and the like.
  - (e.)** Untaken or excessive leave when officers leave the employment of the Council.
- 15.3** Appointments of all employees shall be made in line with the Recruitment and Selection Policy, within the approved establishment of the appropriate department, grades and rates of pay agreed by the Council, by reference to the decisions of the appropriate negotiating body, and in accordance with any other relevant regulations/policies of the Council.
- 15.4** All time keeping, or other records affecting the pay of an employee, shall be in a form approved by the Strategic Director (Chief Financial Officer).
- 15.5** It shall be the responsibility of the employee to complete all personal time keeping or other records relating to hours worked or leave taken, except in the case of illiteracy where they can be completed by a supervisor and certified to that effect.
- 15.6** An authorised officer shall certify all timesheets, or other records affecting the pay of an employee. Assistant Directors shall notify the Strategic Director (Chief Financial Officer)/ Exchequer Section of those officers authorised to sign such documents, detailing the limits of their authority and including a specimen of their signature. Initials may not be used to certify such documents in hard copy format. Where authorisations are completed electronically delegation of approvals are not allowed and must be done in accordance with the hierarchy set up.
- 15.7** All salary payments will be made on the due date. No advances of pay will be made without the consent of the Strategic Director (Chief Financial Officer) and will only be allowed in exceptional circumstances.

## **16. PETTY CASH, CHANGE FLOATS AND POSTAGES**

**CONTACT: Exchequer and Systems Manager**

- 16.1** A central Petty Cash Account on an imprest basis shall be maintained by the Strategic Director (Chief Financial Officer) for the purposes of minor disbursements. Subsidiary imprests or floats in other departments may be provided at the discretion of the Strategic Director (Chief Financial Officer). Vouchers submitted through this account shall be examined and certified in compliance with Regulation 16.3. In all cases, where applicable, receipts supporting the claim shall be attached to the voucher, except in exceptional circumstances as agreed by the Strategic Director (Chief Financial Officer).
- 16.2** **No income**, except imprest reimbursements, shall be paid into petty cash accounts or cash floats.
- 16.3** Cash reimbursement shall be limited to minor items of expenditure not exceeding £50 (this may be increased at the discretion of the any other limit specified by the Strategic Director (Chief Financial Officer)). Payments and claims shall not be divided to avoid this limit. All individual claims over the £50 limit that relate to travel and subsistence, must not be reimbursed through the Petty Cash account, but should be reimbursed on a monthly basis through the Payroll / Members Expenses system. All other claims exceeding the £50 limit shall be paid through the normal weekly BACS payment run, except in exceptional circumstances as agreed by the Strategic Director (Chief Financial Officer).
- 16.4** Officers responsible for change or petty cash floats shall produce on request any record and balance to the Strategic Director (Chief Financial Officer) for examination. In addition, as part of the closure of accounts a signed petty cash declaration is required for each subsidiary imprest or float as requested by the Strategic Director (Chief Financial Officer).
- 16.5** Officers responsible for change or petty cash floats shall perform, in conjunction with another Officer, regular checks to verify the balance of the float. As a minimum this should be done weekly and a record of the checks, signed by both Officers, shall be maintained.
- 16.6** Assistant Directors shall ensure that any floats held by Officers leaving the employ of the Council are checked prior to the leaving date. These floats should then either be paid back to the Strategic Director (Chief Financial Officer) or transferred to another employee.
- 16.7** All postages for outgoing mail shall be made through centralised digital post system unless otherwise approved. Packages containing documents or articles of value shall be registered or insured, according to the arrangements in force.
- 16.8** Corporate Credit Cards shall be issued to all Strategic Directors and Assistant Directors and any other nominated Officer whose duties require

one. The Strategic Director (Chief Financial Officer) shall ultimately decide to whom credit cards will be issued and withdrawn.

- 16.9** The Strategic Director (Chief Financial Officer) shall issue guidelines on the acceptable use of corporate credit cards, including types of expenditure permitted and proper accounting for expenditure incurred. All corporate credit card holders will be required to sign that they will only charge payments that are within the guideline rules. Random checks will be made on credit card payments by the Exchequer Manager.

## **17. TRAVELLING AND SUBSISTENCE ALLOWANCES**

**CONTACT: Exchequer and Manager**

- 17.1** Payment of Travelling and Subsistence allowances shall be made in accordance with current Stevenage Borough Council policy. Details of the current policy are available from Human Resources.
- 17.2** The Strategic Director (Chief Financial Officer) shall be responsible for paying any travelling and subsistence allowances and reimbursement shall be made through the payroll.
- 17.3** Claims from Officers for payment of car allowances, subsistence allowances, travelling and incidental expenses shall be made on a form specified by the Strategic Director (Chief Financial Officer) and shall be submitted within three months of journeys claimed. Periods in excess of three months shall be paid at the discretion of the Strategic Director (Chief Financial Officer) and only one late claim relating to a period of over three months previous shall be allowed in a two year period. The Exchequer section will maintain a register of late payments, to be submitted annually to the Strategic Director (Chief Financial Officer). Managers must ensure that all claims are complete and in line with Council policy, before authorising.
- 17.4** All claims for travelling expenses, car allowances and subsistence will be made through the payroll system via MyView Exchequer Services will advise on the last day for submission of claims for each pay period.
- 17.5** All claims for car allowances, subsistence, travelling and incidental expenses shall be certified by an officer so authorised. Assistant Directors shall supply a list of names and specimen signatures of all those Officers in their department, with limits if applicable, to the Strategic Director (Chief Financial Officer). Authorisation shall be in the form of electronic sign off using MyView.
- 17.6** Subsistence allowances will only be paid against actual expenditure incurred up to the maximum allowed under the current policy. Receipts should be obtained and submitted to support the claim. Claims may be rejected if receipts are not attached. Where it is impossible to obtain receipts, the claimant shall list the items purchased, where purchased from and the cost, and payment will be made at the discretion of the Assistant Director in consultation with the Strategic Director (Chief Financial Officer). Subsistence allowances will not be reimbursed for alcoholic drinks.
- 17.7** Officers using rail travel may obtain a travel warrant from the Assistant Director (Finance & Estates) prior to their journey, unless rail tickets can be obtained from a cheaper source in advance of travel. The Council will only provide rail warrants and reimburse rail travel from Stevenage or from the nearest town to the employees place of work if

different. Exception will be made if travel is made on a different rail route other than Stevenage and the station used is of equal cost or less than travelling from Stevenage. Any additional travel cost over and above the cost of the train ticket should be paid by the officer including car parking fees if the employee chooses to travel from a station other than Stevenage.

- 17.8** Private vehicles can only be used for Council business, and the subsequent mileage allowance claimed, if the vehicle and driver has been specifically insured for this use and the employee has complied with the Council Driver Policy. Assistant Directors will make such necessary checks to ensure that this regulation is adhered to.

## **18. ASSETS & INVENTORIES**

**CONTACT: Strategic Director (Chief Financial Officer)**

- 18.1 Assets** – It is the responsibility of the Strategic Director (Chief Financial Officer) that an Asset Register is maintained in accordance with good practice. 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. It is also the Strategic Director (Chief Financial Officer) responsibility to ensure that assets are valued in accordance with the Code of Practice on local authority accounting in the United Kingdom: A Statement of Recommended Practice (CIPFA / LASAAC).
- 18.2** Assistant Directors shall be responsible for the care and custody of all Council assets within their Business Units and shall maintain proper security for all buildings, vehicles, plant, stocks, stores, furniture, equipment and cash.
- 18.3 Inventories** - Inventories shall be maintained by Business Units for all establishments as follows:
- 18.4** The Assistant Director (Digital & Transformation) will be responsible for the maintenance of a comprehensive Hardware and Software Inventory for all Council IT equipment in all Business Units and shall ensure that appropriate entries are made at the time of purchase, at the time of disposal and that an annual check of all items on the inventory takes place.
- 18.5** The Assistant Director (Finance & Estates) will be responsible for the maintenance of a Inventory for all Council furniture in all Business Units and shall ensure that appropriate entries are made at the time of purchase, at the time of disposal and that an annual check of all items on the inventory takes place.
- 18.6** The extent to which the inventory shall record items specified within 18.1 above shall be in a form determined by the Assistant Director (Finance & Estates).
- 18.7 Disposal of Assets-** Disposal of assets should be carried out in accordance with the Council's Contract Standing Orders section 7.2. Items which are obsolete or surplus to requirements, excluding land or buildings, over the cost of £500 (at the time of purchase) can be sold or disposed of on completion of an asset disposal form found on the staff intranet with approval by the appropriate Assistant Director providing the estimated **loss on disposal is no more than £10,000**. Where the loss is estimated to exceed the £10,000 threshold, approval of Executive or following consultation with the relevant Portfolio holder must be obtained. Items that have been leased to the Council should not be disposed of unless full written consent has been obtained from the lessor. Anticipated

loss on disposal can be obtained from the Group Accountant (capital and treasury).

- 18.8** Surplus or obsolete stock / assets with an estimated sale value of less than £75,000 can be sold or disposed of through the methods of disposal outlined under CSO 7.2.3 and 7.2.4, subject to the Assistant Director demonstrating that the interests of the Council have been considered. Surplus or obsolete stock / assets with an estimated sale value of £75,001 or more must be sold via competitive tender inviting bids in line with CSO 7.2.4 and 7.2.5 or sale by public auction. Other methods may be used if the Strategic Director (Chief Financial Officer) and Assistant Directors believe another method would be in the best interest of the Council. All disposals should be notified to the Strategic Director (Chief Financial Officer) within two weeks of year end so that the Capital Asset register can be probably maintained. All vehicles (non- leased) must be disposed of through sale by public auction or by quotations from a reputable dealer.
- 18.9** All disposals must comply as applicable with the Waste Electrical & Electronic Equipment Directive and Health & Safety legislation. All Council and personal data must be removed from any IT or recording equipment prior to their disposal.
- 18.10** Where small items of equipment with a value of less than £500 (at the time of purchase) such as keyboards are scrapped, they must be recorded on a list held by each relevant Assistant Director and signed off at year end. The list must be passed to Finance Technical Team at year end.
- 18.11** The property of the Council specified within 18.1 above shall not be used other than for legitimate Council business.

**19. INCOME**

**CONTACT: Strategic Director (Chief Financial Officer)**

- 19.1** The Strategic Director (Chief Financial Officer) in conjunction with any other Assistant Director, shall make and maintain adequate arrangements for :
- (a)** the organisation and accounting necessary to ensure the proper recording of all sums due to the Council.
  - (b)** the custody, control, disposal and proper accounting of all cash received by the Council through any Business Units.
- 19.2** Each Assistant Director shall ensure that there are adequate arrangements for the calculation, collection and banking of all income due to their Business Units and that it is done in such a way to prevent losses arising from any source.
- 19.3** Every sum received by an officer or agent of the Council shall be acknowledged immediately by the issue of an official receipt, ticket, voucher or other document prescribed by the Strategic Director (Chief Financial Officer).
- 19.4** All receipts, tickets, voucher or other document prescribed by the Strategic Director (Chief Financial Officer) shall be sequentially pre-numbered.
- 19.5** Assistant Directors shall be responsible for ensuring that all receipts issued to officers in their department are accounted for, have been used in accordance with any relevant guidelines and that income collected on those receipts has been collected and paid over to the Council.
- 19.6** All official receipts forms, books, tickets and other documents of a similar nature shall be issued and controlled by the ICT Services Security and Standards Manager as directed by the Strategic Director (Chief Financial Officer), and a register shall be maintained for this purpose. The Strategic Director (Chief Financial Officer) shall also make any necessary checks to ensure that all receipts issued have been accounted for.
- 19.7** Every Officer who receives monies on behalf of the Council shall pay the monies to the Strategic Director (Chief Financial Officer) via the Council's Reconciliation Team's cash deposit process, who shall then arrange for it to be banked. All cheques received at Daneshill House should be listed, using prescribed stationery, delivered to the Council's Reconciliation Team and banked the next available working day. Cash collected shall, under no circumstances, be replaced with a personal cheque. All income collected shall be paid over promptly, intact and without deduction, and shall not be used for expenditure, floats or petty

cash. All cash and cheques received at satellite sites should be delivered to the Council's Reconciliation Team in line with procedures agreed with the Strategic Director (Chief Financial Officer).

- 19.8** All income collected by Council Officers on behalf of a third party, whether for a commission or not, shall be receipted and banked in the same way as if it was the Council's own money. Any amount due to the third party will be paid by bacs issued by the Strategic Director (Chief Financial Officer), once the account has been checked and balances agreed.
- 19.9** The Strategic Director (Chief Financial Officer), shall be responsible for the operation and running of a computerised sundry debtor system and shall furnish each Assistant Director with details of outstanding debts for which their Business Units are responsible.
- 19.10** Payment in advance shall be obtained for the supply of goods and services. The only variance to this may be
- due to contractual arrangements
  - the invoice is based on the supply of variable goods and services
  - if agreed with the Strategic Director (Chief Financial Officer)
- Each Assistant Director shall be responsible for ensuring that a sundry debtors invoice is promptly raised and as a minimum 14 days after supply of goods/services.
- 19.11** Strategic Director (Chief Financial Officer), in conjunction with the relevant Assistant Director, shall determine those goods or services where sundry debtors may be raised.
- 19.12** Assistant Directors shall be responsible for ensuring that all debts raised by their Business Units are collected promptly.
- 19.13** Strategic Director (Chief Financial Officer) shall fix a limit (currently £10) below which sundry debtor accounts will not be raised, and in such cases alternative collection methods shall be employed, where possible. Peppercorn rents and/or arrangements where invoices are raised to create a contractual arrangement but are below the £10 limit are exempted.
- 19.14** A record should be kept of every transfer of money between employees of the Authority. The Receiving Officer must sign for the money received and both the Receiving Officer and transferor should keep a record of the transaction.

## **20. RECOVERY AND WRITE OFF OF DEBTS**

**CONTACT: Strategic Director (Chief Financial Officer)**

- 20.1** The Council shall have a policy for recovery of debt approved by the Strategic Director (Chief Financial Officer) and **The Executive**.
- 20.2** Assistant Directors are responsible for ensuring that all debts are collected in accordance with the laid down policy.
- 20.3** The Strategic Director (Chief Financial Officer) shall be responsible for providing departments with details of all debts outstanding.
- 20.4** A debt, which is properly due to the Council and deemed irrecoverable, shall only be written off as follows:
- (a.)** Debts of less than £100 with the approval of the Assistant Director (Finance and Estates) or their appointed nominee.
  - (b.)** Debts of £101 and less than £5,000 with the approval of the Strategic Director (Chief Financial Officer) or their appointed nominee.
  - (c.)** Debts of £5,001 and less than £10,001 with the approval of the Strategic Director (Chief Financial Officer) or their appointed nominee and the Resources Portfolio Holder
  - (d.)** Debts of £10,001 or more with the approval of **The Executive**. For the purposes of these Regulations the value of debts shall be determined by reference to the debtor as opposed to individual debts. Where the value of several debts for one individual or organisation exceeds £10,001 **Executive** approval shall be obtained.
  - (e.)** These regulations apply to debts including, Council Tax and Housing Benefit, with the exception of debts relating to Business Rates where the debt is not collectable as a result of a business going into liquidation or receivership .
- 20.5** Assistant Directors are responsible for ensuring that all available means of recovering a debt has been taken before a debt is reduced or recommended for write off. No debt will be reduced or written off without the receipt of a signed instruction issued by the relevant Assistant Director. The Strategic Director (Chief Financial Officer) shall make such checks as he considers necessary on the procedures used.
- 20.6** The Strategic Director (Chief Financial Officer), shall be responsible for ensuring sufficient budgetary provision is made for bad debts.
- 20.7** Distress proceedings for recovery of Council Tax, business rates and warrants for committal to prison shall be instituted by the Strategic Director (Chief Financial Officer). The Borough Solicitor via the shared legal service shall institute court proceedings via the shared Revenues and Benefits Service for the recovery of other monies due to the Council.

## **21. BANKING ARRANGEMENTS AND CHEQUES**

**CONTACT: Strategic Director (Chief Financial Officer)**

- 21.1** All arrangements for banking services shall be made through the Strategic Director (Chief Financial Officer). **The Executive** shall approve the bankers and the accounts to be used.
- 21.2** Only as a last resort will cheques be issued.
- 21.3** All cheques or other instructions issued on behalf of the Council shall bear the impression or manuscript signature of Strategic Director (Chief Financial Officer) with a proviso that cheques for £10,000 shall also bear the impression or manuscript signature of an officer(s) approved by the Strategic Director (Chief Financial Officer).
- 21.4** The Strategic Director (Chief Financial Officer) shall make sufficient arrangements to ensure that that the correct signatories are held in the ICT software to so that cheques contain the appropriate authorised signature.
- 21.5** The Strategic Director (Chief Financial Officer) shall be responsible for ensuring that a monthly reconciliation between the Council's Bank account and its income and expenditure records is performed and that the reconciliation is reviewed by the Systems and Reconciliation Manager and signed off on a timely based.
- 21.6** Only bank accounts designated by the Strategic Director (Chief Financial Officer) will be used for Council transactions. Opening or closing any bank account shall require the written approval by the Strategic Director (Chief Financial Officer) and one other authorised signatory. Officers must not open secondary bank accounts or hold monies for any third party organisations.

## **22. SECURITY & SAFES**

**CONTACT: Strategic Director (Chief Financial Officer)**

- 22.1** Each Assistant Director shall be responsible for maintaining adequate and proper security at all times for all buildings, stocks, stores, IT, furniture, equipment, vehicles, plant, cash and any other assets of the Council under their control. These arrangements shall be subject to the agreement of the Strategic Director (Chief Financial Officer) and shall be sufficient enough to mitigate loss arising from any cause.
- 22.2** Maximum limits for cash holdings, in whatever receptacle (excluding Automated Teller Machine (ATM)), shall be agreed with the Strategic Director (Chief Financial Officer) and shall not be exceeded without express permission and with regard to the appropriate insurance limit.
- 22.3** Officers, who in the course of their duties collect money on behalf of the Council, shall take all reasonable precautions for its safe custody and shall observe any instructions as may be issued by the Strategic Director (Chief Financial Officer).
- 22.4** Each Assistant Director shall maintain a Register of Keys for external doors, safes, cash boxes and others of similar importance. This Register shall list the key holders and out of hours contact numbers. This Register must be kept in a secure environment and not available for general inspection by unauthorised officers. All keys issued to staff are to be carried on the person, or held in a secure place, by those responsible at all times. Safe keys must not be left on the premises where the safe is situated. The loss of any keys must be reported to the relevant Assistant Director and the Strategic Director (Chief Financial Officer) immediately.
- 22.5** All safes shall be specified by the Strategic Director (Chief Financial Officer) after consultation with the Council's insurers.
- 22.6** The Assistant Director with responsibility for E-Government & Business Systems shall be responsible for maintaining proper security and privacy in respect of information held on the Council's computer installations and for ensuring that its use is in accordance with any relevant legislation.
- 22.7** Assistant Directors are responsible for ensuring that all visitors to any Council office or establishment, except in public areas, are signed in and are wearing an appropriate visitors pass. They shall also ensure that any visitor working in the above stated areas are adequately supervised to ensure confidentiality of Council information and security of Council assets is maintained at all times.
- 22.8** Every Officer shall comply with any instructions issued from time to time on building security.

**23. DOCUMENT RETENTION**

**CONTACT: Strategic Director (Chief Financial Officer)**

- 23.1** Documentation created / maintained for transactions covered by these Financial Regulations or SBC's Contract Standing Orders shall be retained in accordance with the document retention schedule which can be found on the INTRANET or for a period not less than 6 years after the transaction / project etc ceases to be current.

## **24. RECEIPT OF GIFTS, GRATUITIES AND HOSPITALITY**

**CONTACT: Strategic Director (Chief Financial Officer)**

### **General Guidance**

- 24.1** Any Council employee shall treat with caution any offer of gift, favour or hospitality that is made to them personally. The person or organisation making the offer may be doing, or seeking to do business with the Council, or may be applying to the Council for planning permission or some other kind of decision.
- 24.2** No hospitality shall be accepted from any company, organisation or individual that is currently participating in a contract award process with the council.
- 24.3** Employees are personally responsible for all decisions connected with the acceptance or offer of gifts or hospitality and for avoiding the risk of damage to public confidence in the Council.
- 24.4** The proper course of action for employees is to only accept gifts or hospitality where they regard the acceptance as normal and reasonable.
- 24.5** Employees shall ensure that any gift or hospitality is not of a level or amount which would lead any reasonable person to believe that the employee might be influenced by such gift or hospitality.
- 24.6** In the event that doubt should exist over the appropriateness of any gift, hospitality, or fee or commission, employees shall seek advice from their Assistant Director or, if appropriate, the Strategic Director (Chief Financial Officer).
- 24.7** The rules and guidance for officers relating to gifts, gratuities and hospitality can be found in the Officer Code of Conduct which can be found on the Council's INTRANET.

## **25. PAYMENT OF ACCOUNTS**

CONTACT: Exchequer Manager

- 25.1** Payments by the Council shall only be made on receipt of an official invoice submitted by a supplier, except in exceptional circumstances as agreed by the Strategic Director (Chief Financial Officer).
- 25.2** Before an order is placed with a supplier the authorising officer will ensure that the proper procurement process will have been followed and in accordance with the Council's contract standing orders.
- 25.3** Before an order is placed with a supplier a requisition must be completed and approved by an authorised officer with the relevant financial delegation. All stationery items that are stocked by the Council's official stationary supplier must be ordered from the official supplier (details are available from Exchequer Services).
- 25.4** An official purchase/works order form must be raised for all orders. (see procedures to be followed in emergency planning situations where this may not be practicable).
- 25.5** The purchase/works order shall specify the goods, services, or works to be provided along with the price. The only exception to this is if a signed agreement or contract exists between the Council and the supplier and that contract and/or agreement specifies in detail the exact works, goods or services to be supplied and price, in which case a brief description of the project and the total contracted price can be specified.
- 25.6** Officers certifying purchase/ works orders must be authorised to do so under the scheme of delegation. Assistant Directors will provide Exchequer Services with details of officers within the Department who are authorised to sign orders (including electronic authorisation), including the maximum order value and sample signature of that officer.
- 25.7** Officers certifying purchase/works orders shall have due regard to the availability of sufficient budgetary provision. No order shall be authorised where the anticipated expenditure will cause the budget to be overspent, unless covered by section 6 of these Financial Regulations.
- 25.8** Certifying officers shall, before certifying an account for payment, be satisfied that:
- (a)** The official ordering procedure, as detailed in this regulation (Reg. 25), has been observed and that Standing Orders have been complied with.
  - (b)** The work, goods or services, to which the account relates have been received, carried out, examined and approved and are in accordance with the official order.
  - (c)** The prices, extensions, calculations, trade discount, other allowances, credits and tax are correct.
  - (d)** The expenditure has been properly incurred, has been charged to

an appropriate account and is within the relevant estimate provision.

- (e.) Appropriate entries have been made in inventories, stores records or stock books as required.
- (f.) The account has not been previously passed for payment and is a proper liability of the Council.

Only invoices with an official order shall be paid unless an additional certification has been obtained from the relevant authorised officer.

- 25.9** Apart from petty cash, the normal method of payment shall be by bacs. In exceptional circumstances other payment methods may be authorised by the Strategic Director (Chief Financial Officer) or a relevant authorised officer.
- 25.10** All payments drawn on the Council's bank account shall be authorised by the Strategic Director (Chief Financial Officer) or a relevant authorised officer.
- 25.11.** Any payment by cheque for £10,000 or more shall also bear the impression or manuscript signature of an officer(s) approved by the Strategic Director (Chief Financial Officer).
- 25.12** The Strategic Director (Chief Financial Officer) shall be responsible for ensuring that the Council's bankers are kept informed of those officers authorised to make payments from the Council's accounts and that they have up to date specimen signatures of those officers.
- 25.13** The Strategic Director (Chief Financial Officer) shall be responsible for ensuring that sufficient fidelity guarantee insurance is in place for those officers authorised to initiate or make payments from the Council's accounts.
- 25.14** The Assistant Director issuing an order is responsible for ensuring that all invoices are checked prior to payment for validity, including price, VAT and goods/services received. Such certification shall be in a form required by the Strategic Director (Chief Financial Officer).
- 25.15** Assistant Directors are responsible for ensuring that the names of officers authorised to certify accounts for payment in their department, along with specimen signatures and limits of authority, are supplied to the Strategic Director (Chief Financial Officer) They are also responsible for ensuring that the Strategic Director (Chief Financial Officer) is advised of any amendments to the list of authorised officers, or changes in signatures of those previously notified. Authorisations and delegations should be made with due regard of the grade and responsibilities of the post holder. The authorisation forms are required to be checked, updated and resubmitted to the Strategic Director (Chief Financial Officer) on a regular basis, at least every 2 years. Tandem electronic authorisations need to be downloaded, checked and updated where necessary on a regular basis and as a minimum at least every two years, to ensure system permissions are accurate.

- 25.16** Accounts for payment shall only be processed and paid on receipt of a properly certified invoice or other approved document.
- 25.17** Authorised officers shall use their normal signature for certification purposes, not their initials and shall also print their name in full.
- 25.18** Departments shall be responsible for ensuring that invoices are processed and passed for payment to Exchequer Services in sufficient time to meet any locally agreed payment targets (details of these targets are held in the Exchequer Section) and so that payment can be made through the weekly pay run.
- 25.19** Invoices are to be paid in accordance with normal terms of payment and are paid weekly via BACS; this may be varied in exceptional circumstances as agreed by the Strategic Director (Chief Financial Officer). Some examples of exceptional circumstances are where delay would cause hardship to individuals where the payment is in respect of a refund on a rent or benefit account or where essential services will be suspended if payment is delayed or any other reason agreed by the Strategic Director (Chief Financial Officer). In all cases the certifying officer shall document the reason for urgency on, or attached to, the invoice.
- 25.20** Assistant Directors shall be responsible for ensuring that the duties of ordering goods and certifying accounts for payment shall not all be performed by the same officer and accounts shall not be certified for payment by an officer who has personal control over the goods and services to which the accounts relate.
- 25.21** Assistant Directors shall, by a date specified by the Strategic Director (Chief Financial Officer) each year, supply details of all outstanding expenditure and income relating to the previous financial year to the Strategic Director (Chief Financial Officer) in line with the Council's Closure of Accounts process.
- 25.22** The Strategic Director (Chief Financial Officer) shall make such checks and impose such further examination as considered necessary to ensure that accounts for payment have been processed in accordance with these Regulations and Standing Orders and that the Council can legally make such a payment. The Strategic Director (Chief Financial Officer) shall report any instances of non-compliance to the relevant Strategic Director.
- 25.23** Officers certifying payment on behalf of the Council must have due regard to the VAT implications and comply with the instructions periodically issued by the Strategic Director (Chief Financial Officer). Any queries regarding VAT should be referred to the Finance Manager (Technical) or relevant authorised officer.
- 25.24** The Authorised Signatory List as Approved on the Scheme of Delegation is kept in Exchequer Services.

## **26. STOCKS AND STORES**

**CONTACT: Finance Manager (Technical)**

- 26.1** Each Assistant Director shall be responsible for the care and custody of the stocks and stores in his/her Business Units.
- 26.2** Stores shall be valued in accordance with accounting policies adopted by the Strategic Director (Chief Financial Officer).
- 26.3** All goods must be checked at the time of delivery, with regards to quantity, quality and compliance with any specification as soon as practical after delivery.
- 26.4** Assistant Directors shall be responsible for ensuring that a comprehensive record of stock balances, stock issues and receipts are maintained, including records of quantities, values and the person issued to.
- 26.5** Assistant Directors shall be responsible for ensuring that stocks and stores are not held in excess of reasonable requirements
- 26.6** Assistant Directors shall be responsible for ensuring that a system of continuous stocktaking shall operate in all stores with an average value of over £10,000. This system shall ensure that every commodity is checked at least once per annum, and fast moving, valuable and desirable items are checked more frequently. The Strategic Director (Chief Financial Officer) shall carry out such independent checks as she/he considers necessary. In addition, as part of the closure of accounts a signed stock certificate declaration is required for each stock account as requested by the Strategic Director (Chief Financial Officer). Assistant Directors shall provide the Strategic Director (Chief Financial Officer) with details and a signed certificate of the value of stores held in their department at the end of each financial year.
- 26.7** Individual deficiencies that exceed £500 shall be reported to the Strategic Director (Chief Financial Officer) for write off. Stores in excess of £500 that are considered to be surplus or obsolete shall also be reported for consideration for disposal (including by sale) or write off.

**27. ORDERING WORKS, GOODS AND SERVICES - CONTRACTS AND AGREEMENTS**

**CONTACT: Corporate Procurement Manager**

- 27.1** All purchases for works, goods or services are subject to the provisions contained in the Council's Contract Standing Orders.

**28. AMENDMENTS AND WAIVERS TO FINANCIAL REGULATIONS**

**CONTACT: Strategic Director (Chief Financial Officer)**

- 28.1** These Financial Regulations outline the minimum required to safeguard the Council's assets and interests. Any amendments to these Regulations shall be approved by **The Executive** and shall not come into force until approval has been given.
- 28.2** The waiving of Financial Regulations must be approved by the Strategic Director (Chief Financial Officer) and where appropriate with the **Executive** Member (Resources). In all cases Best Value must be demonstrated for a waiver to be approved. Waivers must be fully documented.
- 28.3** The Strategic Director (Chief Financial Officer) shall formally review these Regulations at three-yearly intervals.





# **Section 4 G**

## **CONTRACT STANDING ORDERS**

Date: January 2020  
Version 9

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## SECTION 1 INTRODUCTION AND GENERAL REQUIREMENTS

- 1.1 Contract Standing Orders (CSO's) are a framework of rules, which must be adhered to when purchasing goods, services, works, income generating contracts or disposing of Council property. These Contract Standing Orders<sup>1</sup> have been established to ensure that the Council is compliant with UK legislation, follows best practice and achieves best value for money in its procurement activities. Contract Standing Orders do not apply to employment contracts or contracts for the sale or purchase of land or buildings<sup>2</sup>.
- 1.2 Contract Standing Orders promote good purchasing practice, public accountability, data transparency and help protect officers from any complaints. Following the rules is the best defence against any possible allegation that a purchase or disposal has been made incorrectly or inappropriately.
- 1.3 Officers responsible for purchasing goods, services, works, income generating contracts or disposing of Council property are bound by and have a duty to read and be familiar with Contract Standing Orders. Contract Standing Orders lay down **minimum** requirements. A more thorough procedure may be appropriate for a particular contract.
- 1.4 Officers must ensure that any necessary pre-purchasing steps have been taken. This may include<sup>3</sup>:
- conducting a value for money review
  - drafting a business case,
  - conducting pre procurement market engagement
  - considering any workforce implications including TUPE
  - health and safety and business continuity requirements
  - complying with *Key Decision requirements*
  - Equality Impact Assessment
  - GDPR (Data Protection)
  - Safeguarding considerations
  - Section 20 considerations if housing
  - Collaboration opportunities
  - considering Social Value
- 1.5 Unless an exemption provided for in Section 3 has been approved, it is a disciplinary matter to fail to comply with Contract Standing Orders. Responsibility for compliance rests with everyone who carries out procurement of goods, services or works (including contracts for consultancy) for or on behalf of the Council. The ultimate responsibility for identifying the need to start a procurement, creating the procurement, managing it through its contract term and requirement to re-procure rests with the Assistant Director for the relevant area.
- 1.6 Contract Standing Orders should be read in conjunction with the Council's Financial Regulations as appropriate. Officers should also consider the Corporate Procurement Strategy when considering embarking on a procurement<sup>4</sup>. Contract Standing Orders will be reviewed and updated on a periodic basis (the latest version will be held on the intranet).
- 1.7 Officers must also ensure that any agents or consultants acting on their behalf in purchasing or disposal matters also comply with the Council's Contract Standing Orders, Financial

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<sup>1</sup> Referred to from now on throughout this document as Contract Standing Orders or CSO's

<sup>2</sup> Contact the Recruitment Officer regards employee contracts (for the avoidance of doubt, contracts with agencies or companies who supply temporary staff are subject to CSO's) and the Estates Manager regards contracts for sale of land.

<sup>3</sup> Checklists to help ensure correct steps are addressed are available on the intranet under Procurement

<sup>4</sup> Corporate Procurement Strategy is held on the intranet under Procurement

Regulations and with all UK and European Union (EU) legal requirements.

1.8 **Contracts** mean any arrangement under which the Council pays or receives money or equivalent value for:

- a) goods;
- b) services;
- c) works;
- d) all types of disposals (excluding land and buildings); and,
- e) hire, rental or lease agreements.

1.9 Public Contract Regulations 2015 (PCR2015) set out what is legally required for UK public procurement. They are the UK specific version of EU Public Contracts Directive 2014 and are often referred to as EU procurement regulations. Thresholds for the purposes of PCR2015 are those set by the EU and referred to as EU thresholds. PCR2015 also contains some regulations for procurements below the EU thresholds such as the requirement to use Contracts Finder; these have been incorporated into the CSO's.

1.10 All contracts must be subject to competition, as follows:

Band 1	Up to £10,000	One quote (confirmed in writing if greater than £1,000)
Band 2	£10,001 – £75,000	Three quotes to a purchaser specification via the Council's e-tendering system
Band 3	£75,001 – EU Threshold	Invitation to Tender to at least three suppliers via the Council's e-tendering system
Band 4	Above EU Threshold	PCR2015 Procedures via the Council's e-tendering system

1.11 An officer must neither enter into separate contracts nor select a method of calculating the *Estimated Total Value* in order to circumvent the application of Contract Standing Orders or PCR2015.



**Clare Fletcher -Strategic Director**

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**For Further Advice on Contract Standing Orders:**

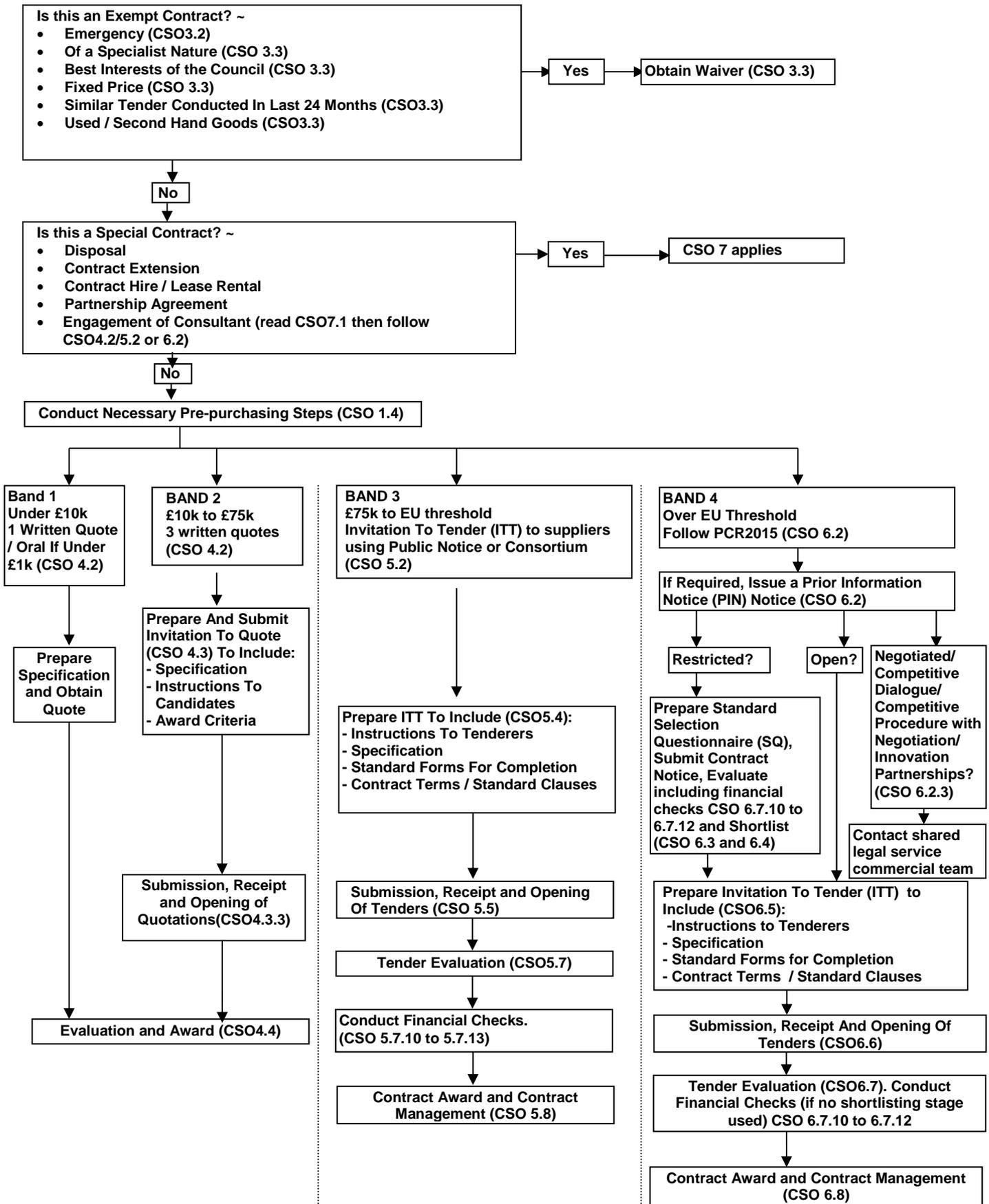
The authorised version of Contract Standing Orders and various supporting written guidance are held on the Council's intranet site, under "Procurement".

If you have any queries about the Contract Standing Orders or the various supporting written guidance please contact one of the following as appropriate:

- Corporate Procurement ext 2083 or ext 2775
- Finance ext 2933

**If you are unclear about the procurement rules please seek relevant advice before taking any purchasing or disposal action.**

## SECTION 2 CONTRACT STANDING ORDERS – EXPLANATORY FLOWCHART



NOTE: This guide is explanatory only and is not a suitable alternative for reading Contract Standing Orders

## SECTION 3 EXEMPTIONS TO CONTRACT STANDING ORDERS

- 3.1 An exemption under this Section allows an officer to partly depart from the normal contract action required in following Contract Standing Orders.

Contract Standing Orders shall not prevent expenditure being incurred where an emergency or disaster involving destruction of or danger to life or property occurs or is imminent. Where in the opinion of a Senior Leadership Team (SLT) member, in consultation if possible with the Chief Executive and the Assistant Director (Finance & Estates), (where over £250k the key decision urgency process also applies) the urgency of the situation will not permit delay, nothing in Financial Regulations or Contract Standing Orders shall prevent the Council from incurring the expenditure as an exemption. Where the contract value is over £75,001, action under this exemption shall be reported to the next meeting of the Executive Committee.

- 3.2 Subject to adhering to PCR2015 and any subsequent /associated UK legislation, the following exemptions from the requirement to obtain the requisite number of quotations or tenders must be the subject of prior and written approval by either the Assistant Director (Finance & Estates), the Borough Solicitor, or the Corporate Procurement Manager:

- a) For the purchase of goods, works or services which are of a specialist nature or are obtainable from only one or a limited number of Suppliers and there are no other satisfactory alternative options.<sup>5</sup>
- b) Where exceptional circumstances clearly show it is in the best interests of the Council to negotiate a new contract with an existing Supplier.<sup>6</sup>
- c) The goods or materials are sold at a fixed price or are wholly controlled by trade organisations or government order and no satisfactory alternative is available.
- d) Tenders or quotes for similar goods, works or services have been obtained in the last 24 months.
- e) The goods are classed as used or second hand - where the Borough Solicitor, the Assistant Director (Finance & Estates) or the Corporate Procurement Manager is satisfied that the market for such goods or materials is such that it would be unreasonable to tender or where the time required to complete the tender process is likely to lead to the loss of opportunity to purchase a used or second hand item and where the relevant officer has ensured that a Value for Money approach has been applied.

- 3.3 Once a request to waive Contract Standing Orders has been received, a Waiver Action Form will be completed by the Officer requesting the waiver and reviewed by the Approving Officer. A record of the decision approving or rejecting a waiver request and the reasons for it must be kept and an entry made in the waiver request register which will be maintained by the Corporate Procurement Manager

- 3.4 Officers applying the exemption rules in 3.3 must, **as a minimum**, draft a specification and use the Council's preferred contractual documents, where appropriate (as outlined in Section 5). Unless otherwise stated, Financial Regulations (including key decision processes) will still apply and will need to be adhered to.

- 3.5 Officers must complete a contract award notification form (ANF), if an exemption to CSO's is agreed which results in a change to existing contract details or constitutes the award of a

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<sup>5</sup> The officer must provide evidence to prove that there are no other satisfactory alternatives, such as a recent public notice where no suitable candidates responded.

<sup>6</sup> For example, where the Council have received consultancy services for a complex project and wish to employ the same consultant for additional consultancy services relating to that project, because the use of an alternative consultant would result in the loss of an important skillset or knowledge, which is not easily transferable.

new contract with a value over £5000, to enable the Council's contracts register to be updated.

- 3.6** Compliance with the EU Procurement Directives (including developing case law) and any UK legislation are considered to satisfy the Council's Contract Standing Orders and Financial Regulations. **No exemption shall be granted if the giving of that exemption would cause a breach of PCR2015 or subsequent / associated UK legislation.**

## SECTION 4 SPECIFIC REQUIREMENTS FOR CONTRACTS BELOW £75,000 (BAND 1 AND 2)

### 4.1 Overview

Band	Estimated Contract Value	Minimum No. of Quotes	Contract Signature
1	Up to £10,000	At least one oral quote (written if over £1,000)	Officers authorised to sign purchase orders within this value banding.
2	£10,001 to £75,000	At least three written quotations to a purchaser specification.	Officers authorised to sign contracts within this value banding <sup>7</sup>

Where the preliminary estimated contract value is within 10% of a higher category value, the appropriate provisions for the higher category of contract should be applied (unless the preliminary estimate is based on a firm quote). If the existing contract you are using has a total contract value within the Band 2 threshold and you anticipate the new final contract total may be within the Band 1 threshold, you must still continue to follow the Band 2 process unless the new contract is fundamentally different.

The value of any contract is calculated on the basis of the total value of the consideration (usually the cost payable but may include any benefit in kind or other benefit to the contractor) estimated to be payable over the entire contract period. Contract periods should be appropriate to the market in question and not artificially shortened to bring the value into a particular band. It should also be considered if the requirement can be combined across the council, or combined with similar works e.g. electrical works needed over x years rather than singular works to various buildings over multiple contracts, to provide the council with better value.<sup>8</sup>

#### Band 1

Contracts with a value between £5001 and £10,000 should be considered as to whether conducting a procurement exercise would be more expensive in officer time than the value of any savings, if that is the case a band 1 waiver form must be submitted to your Tier 4 manager or AD if you are Tier 4 for approval before proceeding. This is more likely to apply to services and works, where quality has to be assessed or site visits to quote arranged and unlikely to apply to goods.

### 4.2 Supplier Selection

- 4.2.1 Suppliers invited to quote within these bands can be sourced from any means, including the Internet, suppliers registered on [www.supplyhertfordshire.uk](http://www.supplyhertfordshire.uk) or based on previous satisfactory experience with the Council. There is no requirement to issue public notices for contracts within these bands, although this may be appropriate in some instances. However, when inviting quotations in Band 2, Officers must invite a Stevenage based supplier if one such exists on [www.supplyhertfordshire](http://www.supplyhertfordshire) and is appropriate for the requirement. If no Stevenage based look to Hertfordshire based as this supports the Councils community wealth building agenda. Officers should also document the reasons for selecting the suppliers (such evidence may be required should the decision be challenged at a later date).

If you are sourcing contracts of a similar nature on a regular basis i.e. low value bespoke

<sup>7</sup> As per the authorised contract signatory list held by Exchequer Services.

<sup>8</sup> Guidance document "Estimating the total value of your procurement correctly" is available on the intranet under Procurement.

building alterations it is a requirement to ensure that you invite at least one supplier not invited last time so that more suppliers are given the opportunity to quote for the Council's business.<sup>9</sup>

## Framework Agreements

4.2.2 Framework agreements let by other contracting authorities, where the council has been named as being able to use the framework agreement, can be used. Examples of contracting authorities that let framework agreements of this nature are: Crown Commercial Services (CCS), Eastern Shires Purchasing Organisation (ESPO), Procurement for Housing (PfH), Homes England, and Yorkshire Purchasing Organisation (YPO).

4.2.3 The officer may utilise any of the above purchasing consortiums framework agreements (or any other framework agreements approved by either the Corporate Procurement Manager or Borough Solicitor). Any procedures provided by the purchasing consortium must be followed; generally mini competition is likely to achieve the best value as it allows Contractors to submit tailored bids to our requirement.

Direct Award is not available on all frameworks, where it is an option then generally it is only permitted if the officer can establish that best value considerations have been taken into account and one of the below applies;

- The framework is sole supplier; or
- Pricing and Terms have been fully pre-agreed under the framework agreement and there are no changes being made as part of the call off and where best value can be proven only from information published; or
- Where there is a ranked call off provision; or
- Where the framework has established alternative specific rules on determining a direct award that can be properly complied with.

4.2.4 Where Direct Award is not available under the rules of the framework or it is envisaged better value can be achieved via mini competition then the officer must follow the procedures provided by the contracting authority to conduct the mini competition amongst the suppliers on the framework. It is not permitted to include suppliers in the mini-competition who are not listed on the framework.

4.2.5 Officers should use existing contracts where these are provided for and suitable, details of which can be found on the shared drive under Corporate> Central Contracts Database. Officers must liaise with the contract manager of the contract before proceeding to ensure they are compliant. All procurement of ICT Hardware and Software must be in consultation with the IT team.

4.2.6 In exceptional circumstances and for contract values under £1,000 only, an officer may be permitted to contract with a supplier or group of suppliers without first obtaining an oral quote. In this instance, the officer must first submit the request in writing to either the Assistant Director (Finance & Estates), Corporate Procurement Manager, or the Borough Solicitor and obtain his or her prior written approval before awarding the contract(s).<sup>10</sup>

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<sup>9</sup> Guidance on supplier selection at quote level is available on the intranet under Procurement

<sup>10</sup> An example of where this may be acceptable would be contracting with a supplier to top up of the Depot's bulk fuel storage facility. The charge per litre will have been pre-agreed before awarding a contract, but the number of litres to be supplied will not be known until the goods have been supplied.

### **4.3 The Invitation to Quote (Band 2 only)<sup>11</sup>**

- 4.3.1 Officers must provide adequate instructions to respondents, outlining what is required (specification), in what format and by when. The Invitation to Quote<sup>12</sup> should also define the award criteria, whether lowest cost or most economically advantageous quote (See 5.4.1). Officers are reminded that further instructions may be necessary depending on the nature of the contract. For example, specific insurances and equality requirements may be appropriate where the purpose of the contract is to supply services directly to the public.
- 4.3.2 The officer responsible for the purchase may consult potential Suppliers prior to the issue of the Invitation to Quote in general terms about the nature, level and standard of the supply, contract packaging and other relevant matters provided this does not prejudice any potential Supplier.
- 4.3.3 Quotations must be submitted through the In-Tend e-tendering system. If there is a reason why Intend cannot be used, this needs to be agreed with the Corporate Procurement Manager in advance of the procurement<sup>13</sup>. A return date must be specified and adhered to. When using In-Tend the receiving officer can open the returns as soon as the system makes them available.
- 4.3.4 Suppliers must be given a minimum of 5 working days to respond to an invitation to quote, but they may require longer timescales if the contract is considered complex in any way.

### **4.4 Contract Evaluation and Award (Band 2 only)**

- 4.4.1 To ensure adequate competition, there must be at least two satisfactory responses from the three quotations requested (unless using a framework) i.e. responses which meet a minimum quality standard under which the Council could award the contract. If the Council receives only one satisfactory response, the officer must not open the responses until talking to Corporate Procurement who will determine if the officer should obtain an additional quote, re-run as an advertised process or obtain an exemption under CSO 3.3.
- 4.4.2 All quotes must be evaluated based on the defined award criteria in the Invitation to Quote. Post tender negotiation may be used for certain contracts, in accordance with CSO's 5.7.6 and 5.7.7.
- 4.4.3 If the quoted contract value for the preferred supplier falls into the higher band 3 (£75,001 to the EU threshold) when processes for the lower Band 2 were followed, the officer must provide either the Assistant Director (Finance & Estates), the Borough Solicitor or the Corporate Procurement Manager with a written explanation and supporting evidence as to the basis for estimating the contract value at the lower band. The Borough Solicitor, Assistant Director (Finance & Estates) or Corporate Procurement Manager will decide whether the contract should be re-tendered following the procedures within the higher band.
- 4.4.4 Officers must not agree to contract conditions where payment is made before the goods, works or services are received, unless otherwise approved in writing by either the Corporate Procurement Manager, the Assistant Director (Finance & Estates), or the Borough Solicitor. Staged payments are acceptable but must be proportionate to the cost of the goods, works or services received.

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<sup>11</sup> A checklist is available on the intranet under staff into/finance/corporate procurement to help you through the steps of a quote process.

<sup>12</sup> SBC invitation to quote templates are available on the intranet under Procurement

<sup>13</sup> An example of an exemption could be where we are not in a market position to impose the use of Intend.

- 4.4.5 Successful and unsuccessful Suppliers must be informed of the decision within 14 days of the closing date and feedback provided, if requested.
- 4.4.6 Contracts or agreements over £5,000 must be signed by an authorised signatory. If there is no written contract, the authorised signatory must confirm in writing (either via letter or email) that the quote has been accepted, stating the cost and any other terms (such as payment terms and delivery date) to which the Council is agreeing to. In the absence of a written contract, a Purchase Order containing the above mentioned information and signed by an authorised signatory is sufficient.
- 4.4.7 For contracts over £5,000, an **Award Notification Form must be completed and passed to Corporate Procurement** (the Award Notification Form is found on the intranet). The contract will then be entered onto the Central Contracts Database by Corporate Procurement.
- 4.4.8 All documentation must be kept in accordance with the Document Retention Schedule which can be found on the intranet.

## SECTION 5 CONTRACTS BETWEEN £75,001 AND EU THRESHOLD<sup>14</sup>

### 5.1 Overview

Band	Estimated Contract Value	Minimum No. of Respondents	Contract Signature
3	£75,001 to EU Threshold (see CSO 6.1 for EU values)	N/A unless restricted process <sup>15</sup>	Officers authorised to sign contracts within this value banding <sup>16</sup> , unless under seal (see CSO 5.8.7)

Where the preliminary Estimated Contract Value is within 10% of a higher category value, the appropriate provisions for the higher category of contract should be applied (unless the preliminary estimate is based on a firm quote). If the existing contract you are using has a total contract value within the Band 3 threshold and you anticipate the new final contract total may be within the Band 2 threshold, you must follow the Band 3 process unless the new contract is fundamentally different.

The value of any contract is calculated on the basis of the total value of the consideration (usually the cost payable but may include any benefit in kind or other benefit to the contractor) estimated to be payable over the entire contract period. Contract periods should be appropriate to the market in question and not artificially shortened to bring the value into a particular band. It should also be considered if the requirement can be combined across the council, or combined with similar works e.g. electrical works needed over x years rather than singular works to various buildings over multiple contracts, to provide the council with better value.

<sup>17</sup> Collaboration with other Hertfordshire authorities is encouraged and can be promoted via the Hertfordshire Procurement Group by talking to Corporate Procurement.

### 5.2 Supplier Selection: Public Notice & Purchasing Consortium

5.2.1 Within this contract value banding, a public notice or a suitable framework agreement that the council is entitled to use can be used.

#### Public Notice

5.2.2 If the chosen method is a public notice, officers must follow the: Open procedure – all Suppliers expressing an interest are sent an Invitation to Tender (ITT) and all responses are evaluated. An exception can be made for Works contracts with a value between EU services threshold and the EU works threshold which allows for restricted PCR2015 procedures.

The Public notice will be placed via the Corporate Procurement team on the Councils E procurement system In-Tend, on the government website “Contracts Finder” and additionally may be placed via OJEU (or equivalent) in order to maximise competition. The notice will state how to register on the In-Tend system, the scope of the requirement and the deadline for submission.

#### Framework Agreements

5.2.3 Framework agreements let by other contracting authorities, where the council has been named as being able to use the framework agreement ,can be used. Examples of

<sup>14</sup> Checklists are available on the intranet under Procurement to assist you with the process

<sup>15</sup> If using restricted process for works invite at least three to tender where sufficient sq's qualify

<sup>16</sup> As per the Authorised Signatory list held by Exchequer Services.

<sup>17</sup> Guidance document “Estimating the total value of your procurement correctly” is available on the intranet under Procurement.

contracting authorities that let framework agreements of this nature are: Crown Commercial Services (CCS), Eastern Shires Purchasing Organisation (ESPO), Procurement for Housing (PfH), Homes England, Yorkshire Purchasing Organisation (YPO).

5.2.4 The officer may utilise any of the above purchasing consortiums framework agreements (or any other framework agreements approved by either the Corporate Procurement Manager or Borough Solicitor). Any procedures provided by the purchasing consortium must be followed, generally mini competition is likely to achieve the best value as it allows Contractors to submit tailored bids to our requirement.

Direct Award is not available on all frameworks, where it is an option then generally it is only permitted if the officer can establish that best value considerations have been taken into account and one of the below applies;

- The framework is sole supplier; or
- Pricing and Terms have been fully pre-agreed under the framework agreement and there are no changes being made as part of the call off and where best value can be proven only from information published; or
- Where there is a ranked call off provision; or
- Where the framework has established alternative specific rules on determining a direct award that can be properly complied with.

5.2.5 Where Direct Award is not available under the rules of the framework or it is envisaged better value can be achieved via mini competition then the officer must follow the procedures provided by the contracting authority to conduct the mini competition amongst the suppliers on the framework. It is not permitted to include suppliers in the mini-competition who are not listed on the framework.

### 5.3 Not Used

### 5.4 The Invitation to Tender

5.4.1 The **Instructions to Tenderers**<sup>18</sup> must, as a minimum, include the following:

- a) List the information which must be provided by the supplier in their response, including any forms, tables or pricing schedules to be completed.
- b) State the method of response required. All tenders shall be issued through the Council's E-tendering System – In-Tend (see CSO 5.5).
- c) Outline a timetable for the remainder of the procurement exercise, detailing the closing date for receipt of responses, the evaluation period and when a response on contract award is expected.
- d) State the method which will be via In-Tend and the deadline for obtaining additional information or clarification (usually 7-14 days before the closing date for receipt of responses) and that additional information requested will be distributed to all suppliers (this should be distributed to all suppliers at the same time through Intend no later than one week before the closing date for receipt of responses<sup>19</sup>).
- e) Outline how the responses will be evaluated, listing the appropriate award criteria and their relative weightings, which shall be selected from one of the following:
  - i) "most economically advantageous" offer i.e. where considerations other

<sup>18</sup> An template Invitation to Tender can be requested from Corporate Procurement.

<sup>19</sup> A Clarification/Query template spreadsheet is available from corporate procurement

than price also apply. The award criteria may include price, service, quality of goods, running costs, previous experience, delivery date, cost effectiveness, relevant environmental considerations, employment considerations, aesthetic and functional characteristics, safety, after-sales services, technical assistance, contract terms and conditions and any other relevant matters.

- ii) "lowest price" (only if approved by Corporate Procurement)
- f) State that late responses will not be considered unless it is proven that a third party is at fault and that the Council is not bound to accept any Tender.
- g) State the price validity period (usually up to a maximum of six months).
- h) Provide a statement to the effect that under the Freedom of Information Act (2000), the Council may be obliged to provide information regarding the procurement exercise or a subsequent contract award and that respondents will be advised of any requests for information and be given an opportunity to comment before disclosure of such information (information whose disclosure would be likely to prejudice anyone's commercial interests is exempt from disclosure provided the public interest in withholding the information outweighs the public interest in disclosing it)
- i) The level of economic and financial standing required
- j) The level of insurance required
- k) Any Pass/Fail elements or minimum thresholds to be met

5.4.2 An adequate **specification** must be included. The specification must describe clearly the Council's requirements in sufficient detail to enable the submission of competitive offers.

5.4.3 For contracts within this value banding, the following **Standard Forms**<sup>20</sup> should either form part of the Invitation To Tender and should be included in the final contract documentation:

- a) Form of Tender
- b) Certificate that the Tender is Bona Fide
- c) Parent Company Guarantee (if applicable).
- d) Performance Bond Certificate (if applicable).
- e) Insurance requirements

5.4.4 Where appropriate to the type of contract being let, the officer should use standard industry contracts ie JCT<sup>21</sup> or the **Council's own standard contracts**, such as the "Stevenage Borough Councils (SBC) High Value Service Contract". Where the Council does not supply a suitable standard contract for the type of contract being let, the officer should liaise with Shared Legal Services to identify contract terms relevant to that specific contract. The officer must seek advice from the Shared Legal services Commercial law team if he/she is unclear as to what terms and conditions should be included in the contract. It should be stated in the Invitation to Tender and final contract documentation that these clauses will prevail over any supplier contract clauses. SBC's standard clauses and contracts are available from

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<sup>20</sup> Standard Forms can be obtained from corporate procurement

<sup>21</sup> Standard amendments to JCT Minor Works or Measured Term contracts are available from Corporate Procurement

corporate procurement. <sup>22</sup>

- 5.4.5 Suppliers invited to tender must be given an adequate period in which to prepare and submit a proper tender, consistent with the urgency of the contract requirement. Normally at least **four weeks** should be allowed for submission of Tenders but this can be less if the Contracting Officer has ascertained, during pre procurement market engagement , that a lesser time period is practical and realistic. All tender documents for a contract shall be despatched to the Suppliers invited to tender on the same day via in-Tend.
- 5.4.6 Pre-procurement engagement with the market (including talking to potential suppliers) is not prohibited by PCR2015, nor is it subject to any detailed procedures provided that it does not prevent an effective competition taking place once the procurement has started. In fact, engaging with the market before starting the formal procurement process is best practice and helps to maximise value for money from the resulting procurement.<sup>23</sup>
- 5.4.7 A tender period can be extended if there are justifiable reasons and it is practical to do so. The reasons for any extension of time should be recorded and communicated in writing to all respondents ideally at least one week prior to the closing date.
- 5.4.8 Suppliers must demonstrate that they carry a range and level of insurance cover acceptable to the type of contract being let. As a starting point it would be prudent to assume the following minimum levels of indemnity, Public Liability £5m, Employers Liability £10m (although the legal minimum is £5m), Professional Indemnity £2m, Products Liability between £1m and £5m. These must be reviewed for adequacy in light of the various risk factors affecting the contract. Only in very low risk scenarios would levels of indemnity lower than these be acceptable .If in doubt, contact the Council's Insurance Officer.<sup>24</sup>
- 5.4.9 The advice of the Shared Legal Service Commercial law team must be sought as necessary, particularly for contracts which are complex.

## 5.5 Submission, Receipt and Opening of Tenders

- 5.5.1 Tenders shall be submitted through the Council's E-tendering System – In-Tend. Instructions on how to register on the e-tendering system must be provided in the public notice. The system sends full guidance documents on how to use the system to respondents when they register and has on line guidance at every stage. Within the Invitation to Tender documents Respondents must be provided with a contact point in case they experience any problems in using the E-Tendering system Respondents must also be advised that failure to advise the Council of the problem **before** the deadline for return of tenders will mean they have lost their opportunity to tender. Where a notification of a problem is received in time, consideration should be given to extending the deadline for submission and all tenderers should be advised accordingly of any extension of time.

## 5.6 Not Used

## 5.7 Tender Evaluation

- 5.7.1 The following should be checked by the Officer:
- a) The Tenders are actually from the Suppliers invited to tender (where using a framework or restricted process);

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<sup>22</sup> It is prudent that Officers obtain the standard clauses and contracts as and when the procurement need arises, as they are subject to change.

<sup>23</sup> Further information on pre procurement market engagement is available on the intranet under Procurement

<sup>24</sup> An insurance checklist can be found on the intranet under staff info/finance/insurance

- b) That there are no errors or omissions in the completion of the documents;
- c) Where a check of the prices quoted suggest collusion among tenderers or 'ring' pricing, the case should be referred to the Assistant Director (Finance & Estates).

5.7.2 To ensure adequate competition, there must be at least two satisfactory responses to the Invitation to Tender i.e. two responses which meet the minimum quality threshold. If there is only one satisfactory response, the officer must either re-tender the contract, advising respondents accordingly, or obtain an exemption under CSO 3.3.

5.7.3 Where necessary, clarifying some aspect of a Tender response in writing or by way of a meeting is permitted. If a meeting is held then relevant notes should be made of the results of the meeting and matters should be confirmed in writing for contractual purposes.

5.7.4 The officer must use the award criteria and measurement system<sup>25</sup> as set out in the Invitation to Tender. The measurement system may include the following 4 elements:

- a) Any pass/ Fail considerations
- b) A point scoring system for individual quality/value for money considerations.
- c) Weightings applied to quality/value for money issues in accordance with their importance to the completion of the contract.
- d) A "Quality Threshold" which sets the minimum standard expected. Tenders which fall below this shall be excluded from consideration.

5.7.5 The Procurement process should take no longer than 10 months from issue of advertisement to award of contract. Should the procurement process take longer than 10 months, authorisation must be sought from the Borough Solicitor, Assistant Director (Finance & Estates) or Corporate Procurement Manager to proceed with the contract award.

5.7.6 **Within (and below) this contract value banding only, *Post-Tender Negotiations* may be used**, providing the officer justifies the need for post tender negotiation in writing to either the Assistant Director (Finance & Estates), the Borough Solicitor or the Corporate Procurement Manager and that the request is authorised by either the Assistant Director (Finance & Estates), the Borough Solicitor or the Corporate Procurement Manager in writing. Post-Tender Negotiations will only be authorised when lawful and will normally only be approved in the following instances:

- a) Procurement exercises involving the purchase of application software.
- b) The procurement of goods, works or services in respect of which the Council has no or inadequate experience.
- c) For any supply of any goods or services where the leading bid is above budget, price reduction measures are necessary and the Tender cannot be clarified readily to produce a reduced price.

5.7.7 Negotiations must be conducted by a team of at least two suitable officers with the involvement of Shared Legal Services Commercial Law team, as required. Changes should be confirmed in writing for contractual purposes. Where Post Tender Negotiation results in a significant change to the specification (or contract terms) the contract must not be awarded but re-tendered.

5.7.8 Officers must not agree to contract conditions where payment is made before the goods,

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<sup>25</sup> A sample criteria and measurement template can be found on the intranet under Procurement.

works or services are received, unless otherwise approved in writing by either the Corporate Procurement Manager, the Assistant Director (Finance & Estates) or the Borough Solicitor. Staged payments are acceptable but must be proportionate to the cost of the goods, works or services received and must be submitted for checking to Treasury and Capital in Accountancy, see CSO 5.8.10.

- 5.7.9 If the tendered contract value for the preferred Supplier falls into the higher band 4 (above the EU threshold) when processes for the lower Band 3 were followed, the officer must provide either the Assistant Director (Finance & Estates), the Borough Solicitor or the Corporate Procurement Manager with a written explanation and supporting evidence as to the basis for estimating the contract value at that lower band. The Borough Solicitor, Assistant Director (Finance & Estates) or Corporate Procurement Manager will decide whether the contract should be re-tendered following the procedures within the higher band.

### Checks on Financial Status

- 5.7.10 For contracts within this value banding, the officer must ensure the supplier has the level of economic and financial standing that they self certified that they have. To do so obtain two years annual accounts for the preferred Supplier before contract award (unless this is not possible, for example where a company has recently been established). Annual accounts are to be provided to Corporate Procurement, who will check that the supplier self certified correctly. Please allow at least 1 week for this process to be completed.
- 5.7.11 If the financial check reveals an unsatisfactory appraisal, yet the officer still wishes to use the Supplier, he/she must submit a written request to the Assistant Director (Finance & Estates) or nominated deputy for his/her approval. Any conditional approval given by the Assistant Director (Finance & Estates) or nominated deputy must be strictly complied with.
- 5.7.12 At the discretion of Corporate Procurement, financial checks may not be necessary for specific Suppliers. For example, where the contracting body is a local authority.
- 5.7.13 All contracts in this value banding with a term of over 24 months will need to be registered with Corporate Procurement for monitoring updates on financial status.

## **5.8 Contract Award and Contract Management**

- 5.8.1 Consult Financial Regulations to ascertain the correct process to gain approval to award<sup>26</sup>
- 5.8.2 All Suppliers who have expressed an interest in a proposed contract should be notified in writing through the Council's E-tendering system whether they have or have not been successful in winning the contract. Where the contract is awarded on the most economically advantageous grounds, tenderers should be notified of their score against each award criteria, the score the winning tenderer obtained and the name of the winning tenderer. If requested additional feedback should be provided.
- 5.8.3 All contracts in this value band will be in the form of a letter of acceptance signed by an officer authorised to sign contracts within this value banding and countersigned by an authorised signatory for the supplier (together with any relevant contractual documentation as per bullet (h) under CSO 5.8.5, unless:
- a) another contractual document constitutes the **entire** agreement and has a section for contract signature by both parties, in which case, this document must be signed by an authorised contract signatory, or

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<sup>26</sup> An Approval flowchart is available to assist on the intranet under Procurement

b) the contract is required to be sealed under CSO 5.8.7.

5.8.4 Letters of Intent shall only be used in exceptional circumstances and with the approval of the Borough Solicitor who should be satisfied that they are adequately worded.

5.8.5 The following must be included in the acceptance letter:

- a) Any contract reference
- b) Description of the work, service or goods
- c) The contract price (exclusive of VAT)
- d) That the acceptance letter must be acknowledged and returned to the Council
- e) Either the commencement date of the contract or how the *Supplier* is to be notified of the commencement date
- f) The contract period and/or completion date
- g) The name of officer in charge of the contract and his or her telephone number.
- h) Detail the Contract documents (e.g. tender, correspondence, specification, drawings, KPI's, project brief/proposal, terms and conditions and forms for completion as relevant to the contract concerned). A copy of these documents should be enclosed with the acceptance letter for the *Supplier's* retention.

5.8.6 If acceptance of a tender is for any reason delayed beyond the appropriate tender price validity period, the Supplier must be asked to confirm his tender in writing before the acceptance is issued. This letter of confirmation must be included as part of the contract. If the recommended tenderer submits a revised price, the Shared Legal Services commercial law team must be consulted for advice on how to proceed.

5.8.7 A contract must be sealed<sup>27</sup> in the following cases:

- a) For all formal construction/works contracts over the current EU services threshold (see 6.1)
- b) Where an extended limitation period of 12 years is required (the normal limitation period is 6 years after the end of the contract).

5.8.8 **For contracts within this value banding, an electronic award notification form (ANF) must be completed and passed to Corporate Procurement** (the award notification form is found on the intranet **An electronic copy of the contract pack must be provided to Corporate Procurement for the Central Contracts Database followed by a scan of the fully signed acceptance letter or relevant contract pages holding signatures/seals at point of execution.** Contracts, for the purpose of this exercise, will range from a simple letter confirming pricing and using standard Supplier terms and conditions to a large contractual document drafted by Legal. Contracts will also cover one off purchases and schedules of rates.

5.8.9 **It is essential that the ANF form is completed and passed to Corporate Procurement within 10 working days of award so that the details can be published on Contracts Finder where the value is over £25,000. It is a legal obligation of the Public Contracts Regulations 2015 to publish award notices of this value and above on Contracts Finder.**

5.8.10 All interim valuations and final accounts in respect of staged payment contracts must also be submitted for checking by Treasury and Capital in Accountancy who will record it in the

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<sup>27</sup> Sealing process is detailed on the intranet under Procurement.

Central Contracts Database, before they are sent for payment to Exchequer.

- 5.8.11 The officer may wish to use a contract management checklist to ensure all required steps have been followed. An example checklist can be found on the intranet under "Procurement", although Business Units may use their own forms to reflect their special requirements.
- 5.8.12 All documentation and records of communications pertaining to the tender must be kept in accordance with Document Retention Schedule which can be found on the intranet.
- 5.8.13 The officer must monitor and manage the performance of the Supplier throughout the contract to ensure that requirements are delivered satisfactorily. In performing this task the officer must monitor:
- a) Work performance
  - b) Compliance with specification and contract terms and conditions
  - c) Cost
  - d) Any Value for Money requirements
  - e) User satisfaction
  - f) Risk management

Further guidance is available on the intranet under "Procurement".

## SECTION 6 CONTRACTS ABOVE THE EU THRESHOLD (BAND 4)

### 6.1 Overview

Band	Category	Estimated Contract Value / EU Thresholds <sup>28</sup>	Minimum Number of Suppliers Short Listed		Shortlist Approval	Contract Signature
			Procedure	No		
4	Service Contracts	Above £189,330	Open Restricted Negotiated Competitive Dialogue Competitive Procedure with Negotiation Innovation Partnership	N/A 5 3 3  3  3	Strategic Director or relevant Assistant Director	Under Seal
4	Supplies Contracts	Above £189,330	Open Restricted Negotiated Competitive Dialogue Competitive Procedure with Negotiation Innovation Partnership	N/A 5 3 3  3  3	Strategic Director or relevant Assistant Director	Under Seal
4	Works Contracts	Above £4,733,252	Open Restricted Negotiated Competitive Dialogue Competitive Procedure with Negotiation Innovation Partnership	N/A 5 3 3  3  3	Strategic Director or relevant Assistant Director	Under Seal

(See also Appendix B for PCR2015 timescales)

A check list can be found on the intranet to guide procuring officers through the tender exercise (under the “Procurement” section). Further advice should be sought by contacting Corporate Procurement.

The value of any contract is calculated on the basis of the total value of the consideration (usually the cost payable but may include any benefit in kind or other benefit to the contractor) estimated to be payable over the entire contract period. Contract periods should be appropriate to the market in question and not artificially shortened to bring the value into a particular band. It should also be considered if the requirement can be combined across the council, or combined with similar works e.g. electrical works needed over x years rather

<sup>28</sup> EU threshold values were current as at 1<sup>st</sup> January 2020, but are subject to change. Please check the latest EU threshold values on the intranet under Procurement.

than singular works to various buildings over multiple contracts, to provide the council with better value.<sup>29</sup>

Collaboration with other Hertfordshire authorities is encouraged and can be promoted via the Hertfordshire Procurement Group by talking to Corporate Procurement.

## 6.2 Public Contracts Regulations 2015 (PCR2015)

6.2.1 The detailed complex advertising, tendering and reporting processes imposed by the Public Contracts Regulations 2015 are not fully covered in Contract Standing Orders. Separate advice and instructions may be issued from time to time by the Corporate Procurement Manager and Shared Legal Services Commercial Law team relating to PCR2015. Such advice and instructions will be deemed to be incorporated into Contract Standing Orders and can be found on the intranet under "Procurement". In the event of any conflict between Contract Standing Orders and PCR2015, PCR2015 will prevail.

6.2.2 Works contracts generally fall under the scope of construction projects, such as new build, or major renovations involving the bringing together of different services and supplies. PCR2015 is very specific as to what falls into their definition of 'Works' so do not assume 'Works' without consulting with Corporate Procurement or Shared Legal Services Commercial Law team. If in doubt apply the Services or Supplies thresholds. Some services, such as Legal and postal services follow a light touch regime which does not need the full PCR2015 rules<sup>30</sup> to be followed.

6.2.3 'Open, restricted, negotiated, innovation partnership, competitive procedure with negotiation and competitive dialogue procedures' are the procurement procedures applied via PCR2015<sup>31</sup>, whereby:

- a) in the case of **open procedures**, any interested Supplier may submit a tender;
- b) In the case of **restricted procedures**, any Supplier may request to participate and only suppliers invited by the Council after short listing may submit a tender;
- c) In the case of the **negotiated procedures**, the Council consults with the Supplier of its choice and negotiates the terms of the contract with one or more of these.
- d) In the case of the **competitive dialogue procedure**, the Council conducts a dialogue with the suppliers admitted to that procedure, with the aim of developing one or more suitable alternatives capable of meeting its requirements, and on the basis of which the suppliers chosen are invited to tender.
- e) In the case of the **innovation partnership** the Council conducts a dialogue with the suppliers admitted to that procedure, with the aim of developing a new product or service not currently on the market
- f) In the case of the **competitive procedure with negotiation**, any Supplier may request to participate and only suppliers invited by the Council after shortlisting may submit a tender.

6.2.4 The advice of the Corporate Procurement Manager and/or the Shared Legal Services Commercial Law team must be sought where following PCR2015 especially if intending to

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<sup>29</sup> Guidance document "Estimating the total value of your procurement correctly" is available on the intranet under Procurement.

<sup>30</sup> The list of Works, Services and Supplies categories (including exempt Light Touch service categories) can be found on the intranet under Procurement.

<sup>31</sup> The negotiated, innovation partnership, competitive procedure with negotiation or competitive dialogue procedure should only be considered after consultation with the Corporate Procurement Manager or the Shared Legal service Commercial law team.

use the negotiated, innovation partnership, competitive procedure with negotiation or competitive dialogue procedure.

- 6.2.5 The officer must confirm as appropriate that Prior Information Notices (PIN), Contract Notices and Contract Award Notices, where required for PCR2015, have been placed in the Official Journal of the European Union using the In-Tend E-tendering system. The Corporate Procurement Team will assist with this.

A PIN Notice (Prior Information Notice) or a PIN with call for competition can be issued via OJEU anytime between 12 months and 35 days prior to the issuing of a Contract Notice. The issuing of a PIN will shorten the minimum timescales for tender response (see Appendix B).

### **6.3 Supplier Selection**

- 6.3.1 Under PCR2015, the officer must liaise with Corporate Procurement to place a Contract Notice to the Official Journal of the European Union (OJEU). Public notices may also be placed in trade journals and approved Suppliers can be advised of the tender exercise, so long as this is done after the OJEU advertisement has been published on Tenders Electronic Daily (TED) or 48hrs from when it was sent to TED whichever is the lesser.

- 6.3.2 Framework agreements managed by other contracting authorities can be used when the contract value is above the EU Threshold, so long as the contracting authorities have awarded the framework agreement in accordance with PCR2015 and on behalf of the Council. Where it is proposed to use a framework agreement for a procurement above the EU threshold, approval must first be sought from either the Borough Solicitor, Assistant Director (Finance & Estates) or the Corporate Procurement Manager

- 6.3.3 Any procedures provided by the purchasing consortium must be followed; generally mini competition is likely to achieve the best value as it allows Contractors to submit tailored bids to our requirement.

- 6.3.4 Direct Award is not available on all frameworks, where it is an option then generally it is only permitted if the officer can establish that best value considerations have been taken into account and one of the following apply;

- The framework is sole supplier; or
- Pricing and Terms have been fully pre-agreed under the framework agreement and there are no changes being made as part of the call off and where best value can be proven only from information published; or
- Where there is a ranked call off provision; or
- Where the framework has established alternative specific rules on determining a direct award that can be properly complied with.

Where Direct Award is not available under the rules of the framework or it is envisaged better value can be achieved via mini competition then the officer must follow the procedures provided by the contracting authority to conduct the mini competition amongst the suppliers on the framework. It is not permitted to include suppliers in the mini-competition who are not listed on the framework.

### **6.4 Short Listing**

- 6.4.1 Short Listing will be applicable if the Council is using the restricted procedure, as outlined in PCR2015.

- 6.4.2 For contracts within this value banding (unless utilising an approved framework) a financial

check must be undertaken as part of the evaluation process. See CSO 6.7.10.

6.4.3 All Suppliers who have expressed an interest in a proposed contract should be notified in writing whether they have or have not been successful in making the next stage within 30 days of the deadline for receipt of expressions of interest. Feedback should be provided in the letter.

6.4.4 The Supplier's experience, economic and financial standing, manpower and equipment or their ability to perform the contract by the anticipated deadline ('qualitative selection criteria') should be considered at the Short listing stage using the current Crown Commercial Service approved Standard Selection questions (formally known as pre-qualification questions), as the Council is precluded from taking these factors into account as 'award criteria' within the tender stage.<sup>32</sup> When using the open procedure these factors should be considered as part of the tendering process.

## **6.5 The Invitation to Tender**

6.5.1 The Instructions to Tenderers<sup>33</sup> must, as a minimum, include the following:

- a) List the information which must be provided by the Supplier in their response, including any forms, tables or pricing schedules to be completed
- b) State the method of response required. All tenders must be issued through the Council's E-tendering System – In-Tend (see CSO 5.5).
- c) Outline a timetable for the remainder of the procurement exercise, detailing the closing date for receipt of responses, the evaluation period and when a response on contract award is expected
- d) State the method and deadline for obtaining additional information or clarification (usually 14-21 days before the closing date for receipt of responses) and that additional information requested will be supplied to all respondents (this should be supplied to all suppliers at the same time no later than 7 days before the closing date for receipt of responses<sup>34</sup>)
- e) Set out in detail how the responses will be evaluated, listing award criteria and weightings as you will not be able to introduce new award criteria or weightings later. The appropriate award criteria shall be selected from one of the following:
  - i) "most economically advantageous" offer i.e. where considerations other than price also apply. These may include price, service, quality of goods, running costs, delivery date, cost effectiveness, relevant environmental considerations, employment considerations, aesthetic and functional characteristics, safety, after-sales services, technical assistance, contract terms and conditions and any other relevant matters - but note 6.4.4 above
  - ii) "lowest price" (only if approved by Corporate Procurement)
- f) State that late responses will not be considered and that the Council is not bound to accept any Tender
- g) State the price validity period (usually up to a maximum of six months)

Provide a statement to the effect that under the Freedom of Information Act (2000) and the requirements for transparency, the Council may be obliged to provide information regarding the procurement exercise or a subsequent contract award and that respondents will be

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<sup>32</sup> If you are unsure about the 'qualitative selection' please contact the Corporate Procurement Team

<sup>33</sup> An outline Invitation To Tender can be obtained from Corporate Procurement.

<sup>34</sup> A Clarification/Query template spreadsheet is available from corporate procurement

advised of any requests for information and given an opportunity to comment before disclosure of such information (information whose disclosure would be likely to prejudice anyone's commercial interests is exempt from disclosure provided the public interest in withholding the information outweighs the public interest in disclosing it)

- 6.5.2 An adequate **specification** must be included. The specification must describe clearly the Council's requirements in sufficient detail to enable the submission of competitive offers.
- 6.5.3 For all contracts within this value band, the following **standard forms** must either form part of the standard selection questionnaire or the Invitation To Tender and should be included in the final contract documentation<sup>35</sup>:
- a) Form of Tender
  - b) Certificate that the Tender is Bona Fide
  - c) Parent Company Guarantee (if applicable)
  - d) Performance Bond Certificate (if applicable)
  - e) Insurance requirements
- 6.5.4 The officer should seek advice from the Shared Legal Services Commercial Law team as to what terms and conditions should be included in the contract. Where appropriate to the type of contract being let, the officer should use standard industry contracts ie JCT<sup>36</sup> or the **Council's own standard contracts**, such as the "Stevenage Borough Councils (SBC) High Value Service Contract". Where the Council does not supply a suitable standard contract for the type of contract being let, the officer should liaise with Shared Legal Services to identify contract terms relevant to that specific contract. The officer must seek advice from the Shared Legal services Commercial law team if he/she is unclear as to what terms and conditions should be included in the contract. It should be stated in the Invitation to Tender and final contract documentation that these clauses will prevail over any supplier contract clauses. SBC's standard clauses and contracts are available from corporate procurement.
- 6.5.5 A tender period can be extended if there are justifiable reasons and it is practical to do so. The reasons for any extension of time should be recorded and communicated in writing to all respondents at least one week prior to the new closing date.
- 6.5.6 Suppliers must carry a range and level of insurance cover acceptable to the type of contract being let. As a starting point it would be prudent to assume the following minimum levels of indemnity, Public Liability £5m, Employers Liability £10m (although the legal minimum is £5m), Professional Indemnity £2m, Products Liability between £1 and £5m. These must be reviewed for adequacy in light of the various risk factors affecting the contract. Only in very low risk scenarios would levels of indemnity lower than these be acceptable. If in doubt, contact the Council's Insurance Officer.<sup>37</sup>
- 6.5.7 The advice of the Shared Legal Services Commercial Law team must be sought as necessary, particularly for contracts which are complex.
- 6.5.8 PCR2015 lays down specific time periods for submission of Tenders, which must be followed (see guidance in the Intranet under "Procurement" and also Appendix B)
- 6.5.9 If the procurement is a mini competition(tender) under an approved framework agreement that has been let in accordance with PCR2015 and covers the Council, then normally at

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<sup>35</sup> Standard forms can be found within the template tender documents available from corporate procurement

<sup>36</sup> Standard amendments to JCT Minor Works or Measured Term contracts are available from Corporate Procurement

<sup>37</sup> An insurance checklist can be found on the intranet under staff info/finance/insurance

least four weeks should be allowed for the submission of Tenders. This can be less if the Contracting Officer has ascertained, after consultation with all short listed Suppliers, that a lesser time period is practical and realistic.

- 6.5.10 It may be necessary during the tender period for the Council to clarify some aspects of its tender documents. This may be done in writing or by way of a meeting ie Bidders Day. Parity of tendering must be preserved so it is important that all tenderers are issued with the same information.
- 6.5.11 The officer must consider if the requirement could be split into lots, if the decision is not to use lots it must be explained in the Invitation to Tender.
- 6.5.12 The Public Services 2012 Social Value Act requires commissioners to consider securing economic, social, or environmental benefits when buying services above the EU threshold. To comply with the Act, commissioners must think about how what they are going to buy, or how they are going to buy it, could add these benefits, and must also consider whether they should consult on these issues. This consideration needs to be documented and retained in line with CSO 5.8.12

## **6.6 Submission, Receipt and Opening of Tenders**

For contracts within this value banding, CSO 5.5 must be followed.

## **6.7 Tender Evaluation**

- 6.7.1 The following should be checked by the Officer:
- a) The Tenders are actually from the firms invited to tender (where a framework or restricted process is used);
  - b) Check that the price of the tenders as set out on the Opening of Tenders is correct;
  - c) That there are no errors or omissions in the completion of the documents.
  - d) Where a check of the prices quoted suggest collusion among tenderers or 'ring' pricing, the case should be referred to the Assistant Director (Finance & Estates);
- 6.7.2 Where necessary, clarifying some aspect of a Tender response in writing or by way of a meeting is permitted. If a meeting is held then relevant notes should be made of the results of the meeting and as necessary significant matters should be confirmed in writing for contractual purposes. It is possible to upload the notes to the Council's Intend system if required.
- 6.7.3 The Procurement process should take no longer than 10 months from issue of advertisement to award of contract. Should the procurement process take longer than 10 months, authorisation must be sought from the Borough Solicitor, Assistant Director (Finance & Estates) or Corporate Procurement Manager to proceed with the contract award.
- 6.7.4 ***Post Tender Negotiation must not be conducted in an EU Procedure.***
- 6.7.5 Following the negotiated procedure contained within PCR2015 is not the same as Post Tender Negotiation. The negotiated procedure can only be used in exceptional cases and prior written approval ***must*** first be sought from either the Borough Solicitor or Corporate Procurement Manager to use the negotiated procedure. Post Tender Negotiation includes revising pricing and contract terms and conditions.
- 6.7.6 The Competitive Dialogue procedure permits the Council to enter into dialogue with suppliers to identify possible or alternative solutions. This procedure can only be used where

the financial or technical make-up of the contract cannot be ascertained without such dialogue. Prior written approval **must** first be sought from either the Borough Solicitor or Corporate Procurement Manager to use the Competitive Dialogue procedure.

6.7.7 The officer must use the award criteria and measurement system as set out in the public notice and Invitation to Tender<sup>38</sup>. The measurement system should usually include the following three elements:

- a) A point scoring system for individual quality/value for money considerations.
- b) Weightings applied to quality/value for money factors in accordance with their importance to the completion of the contract. Any sub-criteria must also be identified at this stage and the appropriate breakdown weighting disclosed.
- c) A "Quality Threshold" which sets the minimum standard expected. Tenders which fall below this shall be excluded from consideration.

6.7.8 All suppliers must be notified in writing through the Council's E-tendering system whether they have or have not been successful either in making the next stage or winning the contract. Where the contract is awarded on the most economically advantageous ground, tenderers must be notified of their score obtained against each award criteria, the score the winning tenderer obtained, the name of the winning tenderer and the characteristics and relative advantages of the winning tender. **The contract with the successful supplier must not commence until 10 calendar days after the date on which the letters were sent**, if the 10<sup>th</sup> day is a weekend or bank holiday the last day must be the following working day (15 days if sent by post) allowing unsuccessful suppliers time to dispute any decision made.<sup>39</sup>

6.7.9 Officers must not agree to contract conditions where payment is made before the goods, works or services are received, unless otherwise approved in writing by either the Corporate Procurement Manager, the Assistant Director (Finance & Estates) or the Borough Solicitor. Staged payments are acceptable but must be proportionate to the cost of goods, works or services received and must be submitted to Treasury and Capital in Accountancy for checking, please see CSO 6.8.13.

### **Checks on Financial Status**

*(Note 6.4.2 above)*

6.7.10 When following the restricted procedure within this banding, checks on financial status must only form part of the overall evaluation at standard selection stage. Financial appraisals cannot be used as a quality evaluation criterion at the Invitation To Tender stage. See the intranet under "Procurement" for the full financial appraisal process. When using the open procedure, financial appraisals should be carried out as part of the tendering process.

6.7.11 At the discretion of Corporate Procurement, financial checks may not be necessary for specific Suppliers. For example, when the contracting body is a local authority.

6.7.12 All contracts in this value banding with a term of over 24 months will need to be registered with Corporate Procurement for monitoring updates on financial status.

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<sup>38</sup> A sample criteria and measurement template can be obtained from Corporate Procurement.

<sup>39</sup> Compliant template letters showing the standstill period are available from Corporate Procurement

## 6.8 Contract Award and Contract Management

- 6.8.1 Consult Financial Regulations regarding the process to be followed to gain approval to award
- 6.8.2 Officers must obtain and check copies of all documents that were self-certified by the supplier during the tender process before awarding the contract.
- 6.8.3 All contracts over the EU threshold must be made under the common seal of the Council. Unless in exceptional circumstances approval to sign under hand is sought and obtained, from the Borough Solicitor, prior to competition.<sup>40</sup> Officers must follow the sealing process as detailed on the intranet.<sup>41</sup>
- 6.8.4 If acceptance of a tender is for any reason is delayed beyond the appropriate tender price validity period, the Supplier must be asked to confirm his tender in writing before the acceptance is issued. This letter of confirmation must be included as part of the contract. If the recommended tenderer submits a revised price, the Shared Legal Services Commercial Law team must be consulted.
- 6.8.5 A written report must be compiled that satisfies regulation 84 of the Public Contracts Regulations 2015. The report must be kept with the signed contractual documents for a minimum of 3 years from the date of award of the contract.<sup>42</sup>
- 6.8.6 Contract award notices must be published by the Corporate Procurement team in the Official Journal of the European Union (OJEU) and Contracts Finder within 30 days of contract award via the Council's E-tendering system – In-Tend<sup>43</sup>.
- 6.8.7 For contracts within this value banding, **an electronic award notification form must be completed and passed to Corporate Procurement<sup>44</sup> An electronic copy of the contract pack must be provided to Corporate Procurement for the Central Contracts Database followed by a scan of the fully signed acceptance letter or relevant contract pages holding signatures/seals at point of execution.** Contracts, for the purpose of this exercise, will range from a simple letter confirming pricing and using standard Supplier terms and conditions to a large contractual document drafted by Legal. Contracts will also cover one off purchases and schedules of rates.
- 6.8.8 The officer may wish to use a contract management checklist form to ensure all required steps have been followed. An example checklist can be found on the intranet under "Procurement", although Business Units may use their own forms to reflect their special requirements. All documentation and records of communications pertaining to the tender must be kept in accordance with Document Retention Schedule which can be found on the intranet.
- 6.8.9 The officer should provide his or her line manager, or Senior Leadership Team member as considered necessary, with regular reports on the financial position of a contract for budget or funding monitoring purposes and to enable corrective action to be taken as necessary.
- 6.8.10 All interim valuations and final accounts in respect of staged payment contracts must also be

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<sup>40</sup> Exceptional circumstances are where the 12 year limit of liabilities is of no benefit due to the nature of the product, such as supply of road fuel/ utilities or where the form of contract is dictated by framework terms.

<sup>41</sup> See sealing process on the intranet under Procurement.

<sup>42</sup> The award notification form contains a page to complete Regulation 84 information

<sup>43</sup> The Corporate Procurement Team will undertake this task.

<sup>44</sup> The Award notification forms are found on the intranet under Procurement

submitted for checking by Treasury and Capital in Accountancy for recording in the Central Contracts Database before they are sent for payment to Exchequer.

6.8.11 The officer must monitor the performance of the Supplier to ensure that requirements of the contract are delivered satisfactorily<sup>45</sup>. In performing this task the officer must monitor:

- a) Work performance (including KPI's if applicable)
- b) Compliance with specification and contract terms and conditions
- c) Cost
- d) Any Value for Money requirements
- e) User satisfaction
- f) Risk management (to include checking that relevant certificates such as insurance are up to date)

6.8.12 All documents, communications and minutes pertaining to the tender exercise and contract award must be kept in accordance with the Document Retention Schedule which can be found on the intranet under the section marked Freedom of Information.

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<sup>45</sup> Guidance on contract management is available on the intranet under Procurement

## SECTION 7

## SPECIAL TYPES OF CONTRACTS

### 7.1 Engagement of Consultants

7.1.1 It is important that value for money is obtained when employing consultants.<sup>46</sup> Therefore, for all instances where the Contract Value of a consultancy appointment is over £5,001, the commissioning officer must provide a report to the Assistant Director responsible containing as a minimum the details listed under CSO 7.1.2.

7.1.2 Before consultants are invited to bid/tender the Assistant Director is responsible for:

- a) identifying the project objectives; and
- b) documenting the reasons for the employment of consultants including the benefits of employing consultants against in house staff or agency staff; and
- c) documenting the residual in-house costs to support the consultant and ensuring that sufficient budget is available to meet all identified costs;
- d) Preparing a project brief with action dates to be recorded against each section, including:
  - (i) background; and
  - (ii) objectives; and
  - (iii) timetable; and
  - (iv) total costs; and
  - (v) performance monitoring arrangements; and
  - (vi) documentation standards; and
  - (vii) contact names and numbers for enquiries

7.1.3 All consultants must provide evidence of adequate professional indemnity insurance prior to their appointment. The requirement for insurance and the levels required should be advertised in the specification of works, if in doubt about the levels required consult with the Council's Insurance Manager

7.1.4 Human Resources must be consulted to help determine if the appointment is within IR35 or if a consultant is appointed and employed through an agency or through the council's payroll the consultant may fall under the Agency Workers Regulations 2010.

7.1.5 It should be a condition of contract with any consultant, agent or professional advisor who is to be responsible to the Council for the award or supervision of a contract on its behalf, that in relation to that contract they shall:

- a) comply with these Contract Standing Orders as though they were an employee of the Council; and
- b) produce on request all the records maintained by them in relation to the contract award and award of contract; and
- c) on completion of the contract, transmit all records that they have produced or received that relate to the contract to the appropriate Assistant Director

7.1.6 Any letter of appointment or contract must set out the consultants legal obligations to the Council including where the ownership of intellectual property rights will sit. Advice on intellectual property can be sought from the Shared Legal Services Commercial Law team. Every written contract shall provide that the consultant shall not assign directly or indirectly the whole or any part of the contract without the written approval of the Council.

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<sup>46</sup> A consultant is a professional who provides expert advice in a specific field; they either operate within the organisation or are employed externally by an organisation for a fee.

## **The Invitation to Quote / Tender**

- 7.1.7 When procuring consultants the total estimated contract value should be used to adopt the procurement band to use. Details on Band 1 and 2 can be found under CSO 4.1 and Band 3 under CSO 5.1. When the estimated Total Value of the consultancy is equal to or exceeds the EU Threshold for services, then PCR2015 rules must be followed, as set out in Section 6.<sup>47</sup>
- 7.1.8 Where it can be demonstrated that there are insufficient suitably qualified consultants to meet the competition requirement, the officer must record in writing the reason why the services are so specialist and obtain an exemption approval as required by paragraph 3.3 of Section 3 of Contract Standing Orders to invite fewer consultants.
- 7.1.9 For consultancies over £10,001 related to construction, estates or building surveying work, the use of conditions of engagement is permitted where they are considered appropriate by the Assistant Director in consultation with the Shared Legal Services Commercial Law team<sup>48</sup>. Other consultancies over £10,001 including management and IT should use terms and conditions either supplied or approved by the Shared Legal Services Commercial Law team.

## **Tender Evaluation and Contract Award**

- 7.1.10 The tendering, evaluation and award procedure, as outlined in Section 5, shall apply to all consultancies where the total estimated value is over £75,001 and under the EU Threshold and in cases below that value where there is a strong likelihood of additional work (i.e. serial or extension contracts), which would bring the total value above £75,001.

## **Contract Monitoring**

- 7.1.11 For contracts over £75,001, the Senior Leadership Team member shall be responsible for ensuring that the Consultants work is properly monitored on an ongoing basis. This includes:
- a) Appointing a named Project Officer or Group
  - b) Specifying key tasks and dates for Consultants
  - c) Monitoring costs against budgets (payment schedules should include the agreed fees and the frequency of invoicing)
  - d) Arranging regular progress meetings with Consultants
- 7.1.12 The project officer shall maintain and keep all records pertaining to the tender, award and ongoing maintenance of the contract.
- 7.1.13 The project officer shall maintain the following documentation:
- a) project brief/objectives; and
  - b) minuted authority, where required; and
  - c) the agreement with the consultant and any subsequent variations; and
  - d) records that can demonstrate contractors compliance with contract standards prior to payments being made; and

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<sup>47</sup> Certain consultancy related services are not subject to the full tendering requirements of the EU Procurement Directive, a new light touch regime has been introduced where advertising is required but the thresholds are higher.

<sup>48</sup> Standard terms and conditions for consultants approved by Legal are those in the services quotation document provided on the intranet under Procurement.

- e) record of payments made to the consultant and for the project; and
- f) a project evaluation form

7.1.14 The project officer shall report immediately to the Assistant Director any material technical or financial deviation by the consultant from the specified agreement.

## 7.2 Disposal Contracts

7.2.1 Where items, excluding land and buildings over the cost of £1000 (at the time of purchase) cannot be re-used elsewhere in the Council an asset disposal certificate form found on the staff intranet under Finance must be completed, explaining why the items are surplus or redundant, any health and safety issues, and the proposed method of disposal. The form should be submitted to the relevant Assistant Director for approval to proceed with disposal of the items. All vehicles must be disposed of through sale by public auction or by quotations from a reputable dealer.

7.2.2 Where small items of equipment such as keyboards are scrapped under the cost of £1000 (at the time of purchase), they must be recorded on a list held by each relevant Assistant Director and signed off at year end. The list must be passed to Treasury and Capital in Accountancy at year end.

7.2.3 The highest bid received for an item if reasonable should be accepted. One of the following methods of disposal should be used:

- a) Invite quotations or tenders from outside organisations<sup>49</sup>
- b) Sale by Public Auction.
- c) Trade in for a new item when the circumstances are appropriate.
- d) Scrap the items in a safe manner.

7.2.4 The proposed method of disposal should be approved by a Assistant Director. All disposals must comply as applicable with the Waste Electrical & Electronic Equipment Directive and Health & Safety legislation. All Council and personal data must be removed from any IT or recording equipment prior to their disposal.

### Competition Rules

7.2.5 Where inviting quotations or tenders from outside organisations the following number of bidders should be invited as follows:

<u>Estimated Value</u>	<u>Minimum number of bidders to be invited (for Plant &amp; Equipment only)</u>
Up to £5,000	At least one bidder by quote
Over £5,001 up to £75,000	At least three bidders by quote
Over £75,001	At least four bidders by invitation to tender

7.2.6 Records of the bids received and written approval by an authorised officer to accept the most favourable bidder should be kept. The acceptance will be by letter signed by SLT Member or Assistant Director if the value is under £75,000 or a Senior Leadership Team member if the value is over £75,001.

## 7.3 Contract Extensions

<sup>49</sup> Quotations or tenders can be issued through the Councils Intend e-tendering system if required

- 7.3.1 Term contracts often have the provision for extensions. E.G. the contract terms is 3 years with the option to extend for a further 2 years. When considering taking up the extension option consider if this will be in the councils best interest to extend. e.g. is the service still required in the existing form? Has the market changed? Could re procuring produce a saving? Do the research in sufficient time so that if the answer is re procure there is sufficient time to re procure well, the default should not be to extend because it's not been thought about it in time for any other option. The decision to extend is signed off by the officer with delegated rights to sign contracts of the value of the extension.
- 7.3.2 All requests to extend a contract beyond provision in the contract to extend must be made in writing to either the Assistant Director (Finance & Estates) or the Borough Solicitor for their approval. No extension that contravenes The Public Contracts Regulations 2015 will be granted and no extension to an existing contract shall be given unless it can be clearly demonstrated that a change of Supplier would result in one or more of the following:
- a) Unacceptable technical difficulties
  - b) A significant and unacceptable increase in costs to the Council
  - c) Significant disruption to the delivery of Council services.
- 7.3.3 It is not permitted to extend a contract renewable yearly on more than four occasions without re-tendering. Such cases should be reviewed annually and a written record of the decision (with reasons) to either, extend the contract or carry out a new competitive tendering exercise must be kept.
- 7.3.4 In all cases where the extension of a contract has been approved, the Shared Legal Services Commercial Law team shall be requested by the client department to undertake formalising the contract extension. Where the total contract value (including the original contract value) exceeds £5,001, details of the contract extension must be provided to Corporate Procurement for recording on the Central Contracts Database. If a contract record has already been entered on the central register then this will need to be updated with the contract extension details<sup>50</sup>.

## **7.4 Contract Hire and Lease/Rental Agreements**

- 7.4.1 Contract hire and lease/rental agreements are procurements and are subject to the provisions contained in Contract Standing Orders.
- 7.4.2 Before entering into a contract hire or lease/rental agreement the officer shall ensure that the financial implications have been assessed by Accountancy. Lease/Rental agreements can only be signed off following approval from the Assistant Director (Finance & Estates) or their nominated deputy.

## **7.5 Nominated Sub-Contractors and Suppliers**

- 7.5.1 If nominations are to be used then the terms of the contract between the Council and the main contractor should make it clear that the main contractor will be expected to enter into contract with the sub-contractors or Suppliers nominated by the Council.
- 7.5.2 *Tenders* for the nominated sub-contractors or Suppliers will be invited, opened and evaluated by the Council in accordance with Contract Standing Orders. The officer shall

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<sup>50</sup> A variation form to amend central contract details is available on the intranet under Procurement

nominate the successful tenderer(s) to the main contractor.

- 7.5.3 The main contractor will ensure that the main contract indemnifies them against the sub-contractors own obligations in relation to the works, supplies or services included in the sub-contract.

## **7.6 Term Contracts and Framework Agreements**

- 7.6.1 An officer may consider it advantageous to the Council, to invite tenders on a Term basis or under a Framework Agreement where payment is based not on defined works, services or supplies, but on a Schedule of Rates, Bill of Quantities or fixed unit cost over a defined period of time.
- 7.6.2 Unless a long term partnership, term contracts should not exceed five years or in the case of framework agreements four years, but will not normally exceed two years unless the contract contains a price fluctuation clause. It is not permitted to extend a contract renewable yearly on more than four occasions without re-tendering. Such cases should be reviewed annually and a written record of the decision (with reasons) to either extend the contract or carry out a new competitive tendering exercise must be kept (contracts may be subject to other term restrictions under the EU Procurement Directive).
- 7.6.3 The relevant procedures and regulations in Sections 3 to 6 of Contract Standing Orders are applicable to all Term Contracts.
- 7.6.4 Any Framework Agreement must be tendered in accordance with Contract Standing Orders or under PCR2015 rules, as applicable.
- 7.6.5 The estimated value of the Term Contract should be based on the full length of the contract (including any options for contract extensions) or for four years if the contract is renewable yearly or is a framework agreement.
- 7.6.6 Where additional items of work are required but not contained within the Schedule of Rates consult with Corporate Procurement to check these are legally valid variations, If agreed all suppliers on the framework agreement or term contract shall be given the opportunity of pricing such items which will then be added to the main Schedule of Rates to be used in the future.

## **7.7 Partnerships & Shared Services**

- 7.7.1 The term 'Partnership' is used to cover a wide variety of joint ventures and other procurement arrangements. The Senior Leadership Team member or contracting officer shall ensure that the prior approval of The Assistant Director (Finance & Estates) or the Borough Solicitor for the proposed partnership arrangement is obtained. The financial implications must be assessed by the Assistant Director (Finance & Estates) and all proposed partnership agreements must be cleared with the Borough Solicitor **at the earliest stage**.
- 7.7.2 All partnership agreements shall include *where relevant*:
- a) The principles of the partnership
  - b) Output specification and specified inputs
  - c) Partnership board
  - d) Open book accounting

- e) Any profit sharing arrangement and payment mechanism
- f) Hierarchy of dispute resolutions mechanisms
- g) Quality and Environment management systems
- h) Asset transfer
- i) Withdrawal arrangements

7.7.3 Partnership agreements which involve a joint venture/contractual arrangement with private sector bodies are subject to the provisions of Contract Standing Orders.

7.7.4 A competitive exercise shall be undertaken in accordance with the provisions of Contract Standing Orders to select the partner and award the work. In any cases where the proposed partnership would mean that Contract Standing Orders of another public sector body would take precedence over those of Stevenage Borough Council, the written approval of either the Assistant Director (Finance & Estates) or Borough Solicitor must first be obtained before any partnership is formalised.

7.7.5 Partnerships with the Voluntary Sector shall be in accordance with the grants policy of this Council.

7.7.6 Procurements undertaken through an existing Shared Service will be made using the Contract Standing Orders of the contracting lead authority.

## 7.8 Income Generating Contracts

7.8.1 All income generating contracts must be subject to competition, as follows:

	<b>Estimated Value</b>	<b>Minimum Number of Bidders to be Invited</b>
<b>Band 1</b>	Up to £10,000	At least one bidder by quote
<b>Band 2</b>	£10,001 – £75,000	At least three bidders invited to quote (a minimum of two responses received)
<b>Band 3</b>	Above £75,001	Public advertisement used

7.8.2 Details of income generating contracts in band 2 or above must be reported to and approved in writing by a Strategic Director.

7.8.3 For contracts with an estimated value above £75,001, CSO 5.5 (regarding the submission, receipt and opening of tenders) must be followed.

7.8.4 Where income generating contracts also incur a cost to the Council, the cost element may be subject to Contract Standing Orders in its own right. In this instance, the advice of the Assistant Director (Finance & Estates), Shared Legal Service Commercial Law team or Corporate Procurement Manager should be sought.

## **SECTION 8 OTHER CONSIDERATIONS**

### **8.1 Contractual Disputes**

- 8.1.1 The officer should seek the advice and involvement of the Shared Legal Services commercial law team as appropriate in contractual disputes with Suppliers.
- 8.1.2 In the event of a claim from a Supplier for loss or expense incurred (either permitted by the terms of the contract or extra-contractual), seek advice from the Shared Legal Services commercial law team immediately.

### **8.2 Termination of Contracts**

- 8.2.1 Subject to the terms and conditions of the contract, where the Supplier has demonstrably failed to deliver the work, services or goods in accordance with the contract the Council will be at liberty to terminate the contract either wholly or in part and to procure the works, supplies or services of the same or similar description elsewhere, in order to make good such default.
- 8.2.2 Adequate written evidence of poor unacceptable performance must be kept. Such records would include relevant correspondence and records of relevant meetings with the Supplier.
- 8.2.3 Shared Legal Services Commercial Law team must be involved in the termination of any formal contract to ensure that:
  - a) The Council's case for termination is legally sound; and,
  - b) The termination is carried out in accordance with the terms of the contract.

### **8.3 Bankruptcies and Liquidations**

- 8.3.1 In the event that a Supplier ceases to trade as a result of a bankruptcy or liquidation then the Shared Legal Services Commercial Law team must be involved in any of the following:
  - a) Terminating the contract
  - b) The appointment of new Supplier to complete the work or service;
  - c) Negotiations with liquidator/receiver/administrator
  - d) Assignment of contract and Novation

### **8.4 Contract Variations**

- 8.4.1 Contracts above the EU thresholds – Consult Corporate Procurement for advice before creating a variation order.
- 8.4.2 Variation orders shall relate to the work specified in an existing contract only and shall not be given in circumstances where a separate contract should or ought to have been entered into.
- 8.4.3 All variation orders must normally be issued to the Supplier prior to the relevant work being carried out but, in exceptional circumstances, should be given as soon as possible thereafter.
- 8.4.4 Variations shall be issued to the Supplier on an official Variation Order (VO), e.g. Architects

Instructions (AI'S), in a form approved by the relevant professional association. Variation Orders shall contain the details of the work required and be appropriately priced. Variation Orders must be signed by an officer authorised to sign contracts for the new total value of the contract in question. In the case of sealed documents Shared Legal Services Commercial Law team must be consulted.

8.4.5 All contract variations regarding contract value or expiry dates must be reported to Corporate Procurement to enable the changes to be updated on the Council's contracts register.

## **8.5 Green Environment and Sustainable Sources**

Goods or services which are known to be harmful to the environment, and where there are other adequate options, will not be used. Wherever practical and cost effective, only materials from sustainable sources will be used.

## **8.6 Diversity**

Officers should take steps in the procurement exercise to encourage a diverse and competitive supply market, including small firms, social enterprises, ethnic minority businesses and voluntary and community sector suppliers.<sup>51</sup> Providing details of any bidding opportunities on the Internet via the Corporate Procurement Manager will raise awareness for these organisations.

## **8.7 Equality**

The Council must have due regard to the requirements of the public sector equalities duty under the Equalities Act 2010, which must be taken into account when procuring goods, works, or services from external providers.

## **8.8 Innovative Procurement/Abnormal Contract Action**

New or different ways of purchasing goods, services or works, which give better value for money, are encouraged. However, any proposals for innovative procurement or abnormal contract action (including the use of another organisation's Contract Standing Orders and E-auctions) must be cleared by the Borough Solicitor to ensure the proposal is legally sound.

## **8.9 Declaration of Interest**

Section 117 of the Local Government Act 1972 provides that, if it comes to the attention of any officer, that the Council has entered or is proposing to enter into a contract in which he or she has "pecuniary" interest, he or she must give notice in writing of that interest to the Authority as soon as is practicable. It is a criminal offence not to comply with this provision.

- a) The register in which the written notice is to be given is held by the Constitutional Services Manager.
- b) "Pecuniary" includes any direct or indirect interest and is defined by reference to Section 95 of the Local Government Act 1972. The Borough Solicitor's advice should be sought in areas of uncertainty.
- c) The requirement to register applies even if the officer is not involved with the Contract.

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<sup>51</sup> Further guidance on how to encourage a diverse and competitive supply market using pre-procurement is available on the internet under Procurement.

## 8.10 Freedom of Information Act (2000)

The Data protection officer or their appointed nominee should be consulted where requests for information on tenders or contracts are received under the Freedom of Information Act (2000).

## 8.11 Security of Performance and Performance Liability

In order to protect the Council from non-performance or poor performance in a contract, the officer should consider whether a performance bond or a liquidated damages clause is required and in what form. These are especially relevant for Works and some Service contracts<sup>52</sup>. The Shared Legal Service Commercial Law Team should be consulted about the type and wording of the bond or liquidated damages clause.

For Works contracts between £500,000 and £2,000,000, the Council may (dependant on risk analysis) require the Supplier to provide a performance bond for 10% of the total contract value. For Works contracts above £2,000,000 the performance bond is usually 5%.

Supplier contracts should be checked carefully for any limitations or liability and advice should be sought from the Shared Legal Service Commercial Law Team. The foreseeable damage to the Council which might arise from the failure on the part of the supplier, any limitation on the contract, liability insurance carried by the supplier (other than public liability cover) and, security for performance, are all interrelated factors and should be considered carefully as a whole.

## 8.12 TUPE and the Best Value Code of Practice on Workforce Matters

If contracting out a service or re-tendering a term contract, the Transfer of Undertakings (Protection of Employment) Regulations (“TUPE”) 2006 may apply. This is a very complex area where legal guidance and trade union consultation must be sought at an early stage.

## 8.13 Health and Safety

Officers should take steps during the procurement exercise and throughout the length of the contract to ensure that health and safety is appropriately covered.

Considerations include:

- Clearly identify all aspects of work to be carried out by the contractor
- Consider the health and safety implications
- Competency to do the job safely?
- How reliant on sub- contractors and sub-sub-contractors?
- Reputation?
- Prosecutions, notices, accident record?
- Ensure contractors know what is expected
- Show SBC safety policy procedures, permit systems, contractor guidance and confirm they have been read and understood
- Whether Works contractors should be SSIP (or equivalent) registered

Consider requiring your Contractor to:

- Outline recent health and safety performance
- List, with evidence, qualifications and skills

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<sup>52</sup> Standard templates and further explanations/guidance for performance bonds and liquidated damages clauses can be found in the High Value Services Contract available from Corporate Procurement

- Provide safety method statement
- Be a member of trade organisation or professional body
- Provide clear information about the risks of the operation
- Provide safety rules and procedures
- Any employee, contractor or sub contractor working on behalf of SBC on SBC premises including tenanted properties must have ID relevant to their employment.

For further guidance, please refer to the Council's Health and Safety Guidance which can be found on the intranet under staff info/hr/health and safety.

#### **8.14 Safeguarding Children<sup>53</sup>**

All services commissioned by the Council must operate within the requirements of the Council's Safeguarding Children Policy and meet the relevant legislative standards. Where appropriate, procuring officers will need to ensure that contractors demonstrate that they meet these requirements. As an indicator, contractors/agencies must have in place the following:

- Senior Management Commitment to Safeguarding
- Clear, Accessible Statement of Responsibility (including Safeguarding Policy, Complaints, Equal Opportunities and Incident Monitoring Procedures)
- Clear mechanisms for identification and investigation/action regarding safeguarding concerns
- Clear Line of Accountability for Reporting Safeguarding Concerns
- Child and Family conscious service planning and delivery
- Staff Training programme for Safeguarding
- Safer Recruitment Policy
- Information Sharing procedure

#### **8.15 Accessibility**

Consider whether what you are buying needs to meet new Accessibility requirements - it could be websites / apps or even pdf/reports/pictures – anything that is published by SBC to the public or to staff<sup>54</sup>

#### **8.16 GDPR**

The Council must have due regard to the requirements of the General Data Protection Regulations 2018. Conduct a Data Protection Impact assessment to perform an assessment of privacy risks of performing data processing activities involving personal data handling.<sup>55</sup>

#### **8.17 Social Value**

The council must have due regard to the Public Services 2012 Social Value Act which requires commissioners to consider securing economic, social, or environmental benefits when buying services above the EU threshold, it is best practice to also apply the considerations to buying goods and works both under and over the EU thresholds . To

<sup>53</sup> Additional information regarding Safeguarding is available on the Stevenage Borough Council website.

<sup>54</sup> Speak to IT service desk for assistance or <https://www.gov.uk/guidance/accessibility-requirements-for-public-sector-websites-and-apps>

<sup>55</sup> See intranet staff info/data protection.

comply with the Act, commissioners must think about how, what they are going to buy, or how they are going to buy it, could add these benefits, and must also consider whether they should consult on these issues. This can be both in the design of the specification and in the evaluation of the bids.<sup>56</sup>

### **8.18 Modern Slavery**

The council must consider the risk of modern slavery existing within its supply chain. Procuring officers need to research the level of risk that exists in the relevant market. If the risk is medium or high they should consult with Corporate Procurement suitable measures to take above and beyond the questions asked as standard in the SBC quotation and tender templates available via the intranet or Corporate Procurement.<sup>57</sup>

### **8.19 Fraud Prevention**

The council must comply with the Bribery Act 2010 and consider the risk of fraud within its supply chain. Procuring officers need to think about whether their actions could be perceived as fraudulent or favoring a particular supplier and also be alert to possible fraudulent behavior from bidders during the procurement and evaluation process. Within contract management processes consideration needs to be given to preventing fraudulent behavior by contractors or Council officers. Any suspicion of fraudulent behaviour should be reported to the Shared Anti-Fraud Service or use the Councils Whistleblowing policy<sup>58</sup>.

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<sup>56</sup> See information on the intranet under Procurement

<sup>57</sup> See intranet procurement.

<sup>58</sup> See intranet for more information

## Appendix A - Table of Definitions / Terms

Authorised Contract Signatory	The named officer who has been sanctioned via SLT to sign contract with suppliers to a specified contract value. The list of authorised signatories and respective values are maintained by Exchequer Services.
Bond	A bond is a legally enforceable financial guarantee given by a third party (the guarantor) to the Council to guarantee the obligations of a <i>Supplier</i> under a contract. The guarantor agrees to pay the Council a sum of money if the <i>Supplier</i> does not do what has been promised under a contract with the Council (e.g. a bond is often 10% of the total contract value). The purpose of a bond is to help the Council meet the extra expenses to remedy the contract default and/or complete the contract.
CCS	Crown Commercial Services - a local authority approved purchasing consortium, which is an executive agency of the Cabinet Office.
Contracts Finder	Government mandated advertising portal for all contract notices and awards advertised by Local and National Government and it's agencies
CSO	Contract Standing Orders
ESPO	Eastern Shires Purchasing Organisation - a local authority approved purchasing consortium.
Estimated Contract Value	The calculation of the estimated value of a contract shall be based on the maximum total amount payable, excluding VAT, envisaged for the total term of the agreement (including any option for contract extensions). Contracts <b>must</b> not be artificially separated either in structure or duration so as to avoid having to comply with the requirements of the Council's Contract Standing Orders or EU Procurement rules.
EU	European Union.
EU Procedures	The procedures required by the EU where the <i>Total Value</i> exceeds the <i>EU Threshold</i> – see <i>separate additional guidance from Corporate Procurement</i> .
EU Threshold	The contract value at which PCR2015 must be applied, for example, as from 1 <sup>st</sup> January 2020 £189,330 for the supply of goods or services and £4,733,252 for works (building engineering and construction) contracts. These figures are subject to change every two years or possibly more frequently so staff should review the guidance regarding PCR2015 available on the intranet, under "Procurement".
Financial Regulations	The Council's financial regulations set out rules/procedures for financial management and the conduct required of Council staff in dealing with financial matters. They are issued by the <i>Assistant</i>

*Director (Finance & Estates) and form part of the Constitution.*

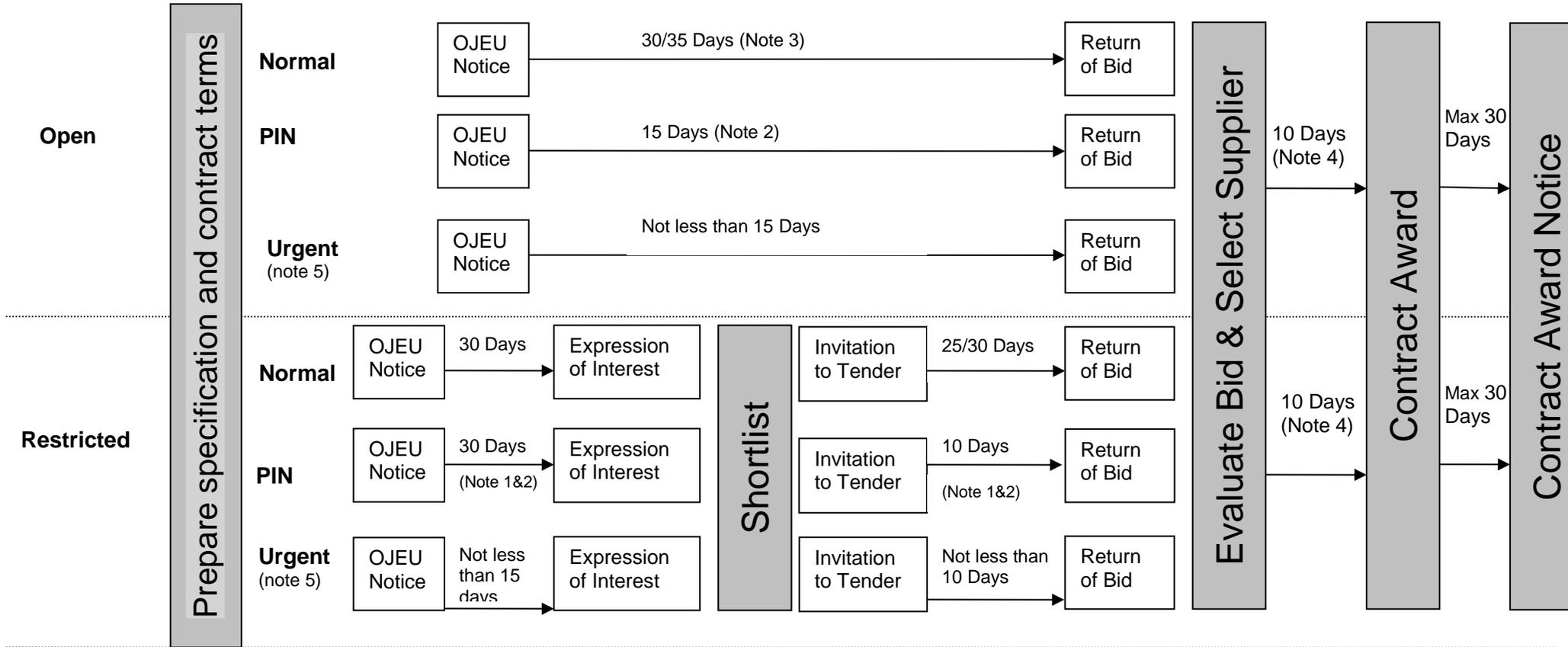
Framework Agreements	Framework Agreements are non-binding agreements entered into between a contracting authority and one or more <i>Suppliers</i> , setting out the terms and conditions (e.g. pricing mechanisms, quantity and scope of services/supplies/works and duration) under which future purchases (or call offs) can be made throughout the term of the agreement.
Homes England	Homes England is the non-departmental public body that funds new affordable housing in England. It was founded on 1 January 2018 to replace the Homes and Communities Agency.
Insurance cover and indemnity / liability limits	<p>Normally, contracts should require suppliers to indemnify (protect) the Council from public liability and employers liability to an appropriate limit, but products liability and professional liability may be required when relevant to a particular contract. The appropriate limit of indemnity should be judged individually depending on the nature of the contract, risk assessment, size of contracting firm etc. A brief explanation of each type of liability follows:</p> <p><b>Public Liability</b> provides indemnity for damages the insured is legally obliged to pay to a third party who has suffered damage or injury as a result of the insured's action. It does not extend to damage or injury suffered by employees of the insured. It does not include pure financial loss suffered as a result of advice given. The contract may include a co-indemnity or cross-indemnity clause, which effectively extends the supplier's cover to include SBC.</p> <p><b>Employers' Liability</b> provides indemnity for damages the insured is legally obliged to pay to an employee who has suffered damage or injury as a result of the insured's action. The contract should include a wide definition of "employee" so as to include apprentices, work-experience people, and volunteers if appropriate.</p> <p><b>Products Liability</b>, often included as part of general Public Liability Section of a policy, provides indemnity for damages the insured is legally obliged to pay to a third party who has suffered damage or injury as a result of the product for which the insured is responsible.</p> <p><b>Professional Liability (or Indemnity)</b> covers loss or damage (except bodily injury or damage to property) arising from the negligence or accidental error/omission of any official or employee while the Council is acting in a statutory capacity.</p>
In-Tend	The Councils E tendering system software, also known as SupplyHertfordshire
ITT	Invitation to Tender.
Key Decision	Decisions that are defined as Key Decisions in the <i>Constitution</i> . If the purchase is a Key Decision, the Officer must ensure that all appropriate steps have been taken. If the Contract value exceeds £250,000 or the contract will be significant in terms of its effects on communities living or working in the area, then the purchase is likely

	to be a key decision (See Decision Making - Article 11 in the Constitution for further information).
Nominated Suppliers and Sub-contractors	These are sub-contracts specified in the main contract where the Council nominates specific <i>Suppliers</i> or sub-contractors to the main contractor. The main contractor is expected to establish sub-contracts with the <i>Suppliers</i> nominated by the Council.
Novation	The agreed transfer to another <i>Supplier</i> of the full obligations and rights under the contract.
Parent Company Guarantee	The parent company (or holding company) guarantees the proper performance of a contract by one of its subsidiaries (the contractor). The conditions of the parent company guarantee will usually give the parent company the opportunity to remedy any default within a period of notice before the guarantee is called. The liability can take several forms including a financial guarantee of completion of the project itself or the employment of another <i>Supplier</i> to complete the project.
PIN	Prior Information Notice posted to the European Union
Post Tender Negotiation	Post tender negotiation means negotiations with any tenderer after submission of a <i>Tender</i> and before the award of the contract with a view to obtaining an adjustment in price, delivery or content.
PFH	Procurement for Housing – a local authority approved purchasing consortium, more specifically for Housing
Public Contracts Regulations 2015	Public Contract Regulations 2015 (PCR2015) are the legally required processes for UK public procurement which were transposed from EU Procurement Directives 2014 along with some UK specific rules(PCR 2015 is often referred to as EU Regulations)
Quotation	“Quotation” means an offer to supply or purchase goods, or materials, execute works or provide services including consultancy, at a stated price based on terms and conditions agreed with the <i>Supplier</i> . For the purpose of Contract Standing Orders, the Council uses the term ‘Quote’ rather than ‘Tender’ for the more simplistic procurement process to be followed for estimated contract values below £75,000.
SBC	Stevenage Borough Council
Short Listing	Where <i>Suppliers</i> are selected: <ul style="list-style-type: none"> <li>• to quote or bid or</li> <li>• to proceed to final evaluation.</li> </ul>
Supplier	Any person, organisation or economic operator who supplies the Council with Goods, Works or Services. For the purpose of Contract Standing Orders, the term supplier includes contractors, consultants and service providers.
Senior Leadership Team member	The Assistant Directors, Strategic Directors and Chief Executive.

Tender	“Tender” means a formal offer to supply or purchase goods, or materials, execute works or provide services including consultancy, at a stated price based on set terms and conditions. For the purpose of Contract Standing Orders, the Council uses the term ‘Tender’ as opposed to ‘Quote’ for the more complex procurement procedure required for estimated contract values over £75,001.
TUPE	Transfer of Undertakings (Protection of Employment) Regulations
YPO	Yorkshire Purchasing Organisation - a local authority approved purchasing consortium

**Appendix B**

**Minimum Timescales for above EU Threshold Contracts (in calendar days)**



**Competitive procedure with Negotiation**  
**Innovation Partnerships**  
**Competitive Dialogue**

These processes may only be used when certain criteria are met – for criteria and timescales please contact Corporate Procurement.

Note 1 Where PIN is used as a Call for Competition in the Restricted procedure, provided PIN published no less than 35 days and no more than 12 months before the despatch of the Contract, the 30 day timescale commences from when the invitation to confirm interest is sent and a separate Contract Notice is not necessary – strict guidelines for publication of PIN.  
 Note 2 Provided PIN published no less than 35 days and no more than 12 months before the despatch of the Contract Notice  
 Note 3 Under the new Public Contracts Regulations 2015, where the contracting authority allows electronic submission of tenders, the minimum timescales for receipt of tenders can be reduced by 5 days to 25 days for Restricted / 30 days for Open procedures.  
 Note 4 Under the Public Contracts Regulations 2015 where notification of intention to award is NOT sent by electronic means the Alcatel (Standstill) period must be 15 days, standstill expires midnight on the 10<sup>th</sup> day after notification (see mandatory standstill document for more information). Standstill must not expire on a non-working day (Saturday, Sunday or bank holiday)  
 Note 5 Classifying a procurement as Urgent is subject to meeting certain criteria – please check with Corporate Procurement



Updated April 2019

# **OFFICER EMPLOYMENT PROCEDURE RULES**

## **OFFICER EMPLOYMENT PROCEDURE RULES**

### **1. Recruitment and Appointment**

#### **a. Declarations**

- (i) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor or officer of the Council; or of the partner of such persons.
- (ii) No candidate so related to a Councillor or an officer will be appointed without the authority of the relevant Strategic Director or an officer nominated by her/him.

#### **b. Seeking support for appointment**

- (i) Subject to paragraph (iii), the Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- (ii) Subject to paragraph (iii), no Councillor will seek support for any person for any appointment with the Council.
- (iii) A Councillor may write a character reference giving her/his views of the candidate's ability or experience when he/she applies for an appointment, but must not try to gain the candidate preferential treatment.

### **2. Recruitment of Head of Paid Service and Chief Officers (*known as Strategic Directors*)**

- a. Where the authority proposes to appoint a Chief Officer, and it is not proposed that the appointment shall be made exclusively from among their existing officers, arrangements shall be made:
  - (i) To draw up a statement specifying:
    - The duties of the officer concerned, and
    - Any qualifications or qualities to be sought in the person to be appointed;
  - (ii) For the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
  - (iii) For a copy of the statement mentioned in paragraph (i) to be

sent to any person on request;

- b. Where a post has been advertised as provided in (a) above the Council shall make arrangements to:
  - Interview all qualified applicants for the post, or
  - Select a shortlist of such qualified applicants and interview those included on the shortlist.
- c. Where no qualified person has applied, the authority shall make further arrangements for advertisement in accordance with (a)(ii) above.

### **3. Appointment of Head of Paid Service**

- a. The appointment of the Head of Paid Service shall not be made by the Executive.
- b. The Council will approve (before an offer of appointment is made) the appointment of the Head of Paid Service following the recommendation of such an appointment by the relevant Committee or Sub-Committee of the Council. That Committee or Sub-Committee must include at least one member of the Executive.
- c. An offer of appointment to the post of Head of Paid Service must not be made by Council until:
  - (i) The Committee or Sub-Committee has notified the Senior Human Resources Manager of the name of the person to be offered the post and any other particulars relevant to the appointment; and
  - (ii) The Senior Human Resources Manager has notified every member of the Executive of:
    - The name of the person to be offered the appointment, and any other particulars relevant to the appointment; and
    - The period within which any objection to the making of the offer can be made by the Leader of the Council, on behalf of the Executive, to the Senior Human Resources Manager; and
  - (iii) Either:
    - The Leader of the Council has, within the period specified in the notice under sub-paragraph (ii) above, notified the Council that neither he/she nor any other member of the Executive has any objection to the making of the offer; or

- The Senior Human Resources Manager has notified the Council that no objection was received by her/him within that period from the Leader of the Council; or
- The Council is satisfied that any objection received from the Leader of the Council within that period is not material or is not well-founded.

**4. Appointment of Strategic Directors, Monitoring Officer and Chief Finance Officer**

- a. The appointment of Strategic Directors, Monitoring Officer and Chief Finance Officer shall not be made by the Executive.
- b. A Committee or Sub-Committee of the Council will appoint Chief Officers, the Monitoring Officer and the Chief Finance Officer, as defined in Article 10 of the Constitution. That Committee or Sub-Committee must include at least one member of the Executive. Where a committee or a sub-committee of the authority is discharging, on behalf of the authority, the function of the appointment or dismissal of any officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3, at least one member of the executive must be a member of that committee or sub-committee.
- c. An offer of appointment to a Strategic Director, Monitoring Officer and Chief Finance Officer post must not be made by the Committee or Sub-Committee until:
  - (i) The Committee or Sub-Committee has notified the Head of Paid Service of the name of the person to be offered the post and any other particulars relevant to the appointment;
  - (ii) The Head of Paid Service has notified every member of the Executive of:-
    - The name of the person to be offered the appointment, and any other particulars relevant to the appointment; and
    - The period within which any objection to the making of the offer can be made by the Leader of the Council, on behalf of the Executive, to the Head of Paid Service; and
  - (iii) Either:-
    - The Leader of the Council has, within the period specified in the notice under sub-paragraph (ii) above, notified the Committee or Sub-Committee that neither he/she nor any other member of the Executive has any objection to the

making of the offer;

- The Head of Paid Service has notified the Committee or Sub-Committee that no objection was received by her/him within that period from the Leader of the Council; or
- The Committee or Sub-Committee is satisfied that any objection received from the Leader of the Council within that period is not material or is not well-founded.

## 5. Appointment of Assistant Directors

- a. The appointment of Assistant Directors shall not be made by the Executive.
- b. The appointment of Assistant Directors will be made by the Head of Paid Service or her/his nominee.
- c. An offer of appointment to an Assistant Director post must not be made by the Head of Paid Service or her/his nominee until the Head of Paid Service has notified every member of the Executive of:
  - The name of the person to be offered the appointment, and any other particulars relevant to the appointment; and
  - The period within which any objection to the making of the offer can be made by the Leader of the Council, on behalf of the Executive, to the Head of Paid Service; and

either:

- The Leader of the Council has, within the period specified in the notice under sub-paragraph (ii) above, notified the Head of Paid Service that neither he/she nor any other member of the Executive has any objection to the making of the offer; or
- The Head of Paid Service is satisfied that any objection received from the Leader of the Council within that period is not material or is not well-founded.

## 6. Other Appointments

- a. **Officers below Assistant Directors.** The appointment of officers below the level of Assistant Directors and (other than assistants to political groups and an assistant an Executive Mayor ) is the responsibility of the Head of Paid Service or her/his nominee.
- b. **Assistants to political groups.** Appointment of an assistant to a

political group shall be made in accordance with the wishes of that political group.

## 7. DISCIPLINARY ACTION

- a. In the following paragraphs—
- (i) “*the 2011 Act*” means the Localism Act 2011;
  - (ii) “*chief finance officer*”, “*disciplinary action*”, “*head of the authority’s paid service*” and “*monitoring officer*” have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001;
  - (iii) “*independent person*” means a person appointed under section 28(7) of the 2011 Act;
  - (iv) “*local government elector*” means a person registered as a local government elector in the register of electors in the authority’s area in accordance with the Representation of the People Acts;
  - (v) “*the Panel*” means a committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;
  - (vi) “*relevant meeting*” means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and
  - (vii) “*relevant officer*” means the chief finance officer, head of the authority’s paid service or monitoring officer, as the case may be.
- b. A relevant officer may not be dismissed by an authority unless the procedure set out in the following paragraphs is complied with.
- c. The authority must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.
- d. In paragraph 3 “*relevant independent person*” means any independent person who has been appointed by the authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the authority considers appropriate.
- e. Subject to paragraph f, the authority must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph c in accordance with the following priority order—
- (i) a relevant independent person who has been appointed by the authority and who is a local

- government elector;
  - (ii) any other relevant independent person who has been appointed by the authority;
  - (iii) a relevant independent person who has been appointed by another authority or authorities.
- f. An authority is not required to appoint more than two relevant independent persons in accordance with paragraph e. but may do so.
- g. The authority must appoint any Panel at least 20 working days before the relevant meeting.
- h. Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the authority must take into account, in particular—
- (i) any advice, views or recommendations of the Panel;
  - (ii) the conclusions of any investigation into the proposed dismissal; and
  - (iii) any representations from the relevant officer.
- i. Any remuneration, allowances or fees paid by the authority to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the 2011 Act.”

## **8. Dismissal of Strategic Directors**

- a. The dismissal of Strategic Directors, shall not be made by the Executive.
- b. A Committee or Sub-Committee of the Council will dismiss Strategic Directors, as defined in Article 12 of the Constitution. That Committee or Sub-Committee must include at least one member of the Executive.
- c. Notice of dismissal of a Strategic Director must not be given by the Committee or Sub-Committee until:
- (i) The Committee or Sub-Committee has notified the Head of Paid Service of the name of the person it wishes to be dismissed and any other particulars relevant to the dismissal.
  - (ii) The Head of Paid Service has notified every member of the Executive of:
    - The name of the person the Committee or Sub-Committee

wishes to dismiss and any other particulars relevant to the dismissal; and

- The period within which any objection to the dismissal is to be made by the Leader of the Council, on behalf of the Executive, to the Head of Paid Service; and

(iii) Either:

- The Leader of the Council has, within the period specified in the notice under sub-paragraph (ii) above, notified the Committee or Sub-Committee that neither he/she nor any other member of the Executive has any objection to the dismissal;
- The Head of Paid Service has notified the Committee or Sub-Committee that no objection was received by her/him within that period from the Leader of the Council; or
- The Committee or Sub-Committee is satisfied that any objection received from the Leader of the Council within that period is not material or well-founded.

## **9. Dismissal of Assistant Directors and Heads of Service**

- a. The dismissal of Assistant Directors and Heads of Service shall not be made by the Executive.
- b. The dismissal of Assistant Directors and Heads of Service will be made by the Head of Paid Service or her/his nominee.
- c. Notice of dismissal of an Assistant Director or Head of Service must not be given by the Head of Paid Service or her/his nominee until:

(i) That officer has notified every member of the Executive of:

- The name of the person the Head of Paid Service wishes to dismiss and any other particulars relevant to the dismissal; and
- The period within which any objection to the dismissal is to be made by the Leader of the Council, on behalf of the Executive, to the Head of Paid Service; and

(ii) Either:

- The Leader of the Council has, within the period specified in the notice under sub-paragraph (i) above, notified the Head of Paid Service that neither he/she nor any other

member of the Executive has any objection to the dismissal; or

- The Head of Paid Service is satisfied that any objection received from the Leader of the Council within that period is not material or well-founded.

**10. Dismissal of Officers below Strategic Director level**

The dismissal of officers below the level of Strategic Director will be made by the Head of Paid Service or her/his nominee.

Councillors will not be involved in the dismissal of any officer below Strategic Directors, except where such involvement is necessary for any investigation or inquiry into alleged misconduct, through the Council's disciplinary, capability and related procedures.

April 2019

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## CODE OF CONDUCT FOR MEMBERS

### Introduction and interpretation

1. - (1) This Code applies to **you** as a member of an authority.
- (2) You should read this Code together with the general principles set out Section 26 Localism Act namely:
  - Selflessness
  - Integrity
  - Objectivity
  - Accountability
  - Openness
  - Honesty
  - Leadership
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code— "meeting" means any meeting of—
  - (a) the authority;
  - (b) the executive of the authority;
  - (c) any of the authority's or its executive's committees, subcommittees, joint committees, joint sub-committees, or area committees; "member" includes a co-opted member and an appointed member.

### Scope

2. —(1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—
  - (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
  - (b) act, claim to act or give the impression you are acting as a representative of your authority, and references to your official capacity are construed accordingly.
- (2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.
- (3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.

- (4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).
- (5) Where you act as a representative of your authority—
- (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
  - (b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

### **General obligations**

**3.** — (1) You must treat others with respect.

- (2) You must not—
- (a) do anything which may cause your authority to breach any of the equality enactments
  - (b) bully any person;
  - (c) intimidate or attempt to intimidate any person who is or is likely to be—
    - (i) a complainant,
    - (ii) a witness, or
    - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
  - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

**4.** You must not—

- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—
  - (i) you have the consent of a person authorised to give it;
  - (ii) you are required by law to do so;
  - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

- (iv) the disclosure is—
    - (aa) reasonable and in the public interest; and
    - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
  - (b) prevent another person from gaining access to information to which that person is entitled by law.
- 5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
- 6. You—
  - (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
  - (b) must, when using or authorising the use by others of the resources of your authority—
    - (i) act in accordance with your authority's reasonable requirements;
    - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
  - (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- 7. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—
  - (a) your authority's chief finance officer; or
  - (b) your authority's monitoring officer,
- 8. You must register your interests in the form set out below and observe the requirements of the Council, the Localism Act and the general law in relation to those interests.

## REGISTER OF INTERESTS

I, .....

Being a member of Stevenage Borough Council , set out in sections 1-8 below my Disclosable Pecuniary Interests as specified under the Localism Act 2011 and I have put "none " where I have no such interests under any heading. I also set out other interests in sections 8 and 9 which I am required to register by Stevenage Borough Council

<b><u>Disclosable Pecuniary Interests</u></b>	
<b>Members are required to register not only their own interests under this heading but also those of their husband or wife, civil partner or of any person with whom they are living as if husband and wife or as civil partners when such interests are known by them</b>	
1. Your employment, office, trade, profession or vocation carried on by you or those persons referred to above for profit or gain	
2. Any payment or provision of any other financial benefit (other than from Stevenage Borough Council) made or provided within the last 12 months in respect of expenses you have incurred in carrying out your duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992	
3. Any contract which is made between you or the persons referred to above (or a body in which you or they have a beneficial interest ) and Stevenage Borough Council - (a) under which goods or services are to be provided or works are to be executed ) and and (b) which has not been fully discharged	

<p>4. Any beneficial interest in land which is within the area of Stevenage Borough Council</p>	
<p>5 Any licence (alone or jointly with others) to occupy land in the area of Stevenage Borough Council for a month or longer.</p>	
<p>6. Any tenancy where to your knowledge the landlord is Stevenage Borough Council and the tenant is a body in which you or a person referred to above has a beneficial interest</p>	
<p>7. Any beneficial interest in securities of a body where –</p> <p>(a) that body to your knowledge has a place of business or land in the area of Stevenage Borough Council; and</p> <p>(b) either-</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you or a person referred to above has a beneficial interest exceeds one hundredth of the total issue share capital of that class</p>	

**Other Interests**

**8. Membership of other bodies**

8.1 Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council.

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8.2 Any body exercising functions of a public nature of which you are a member or in a position of general control or management.

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8.3 Any body directed to charitable purposes of which you are a member or in a position of general control or management.

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8.4 Any body one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management.

.....

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.....

**9. Disclosure of Gifts and Hospitality**

9.1 You must reveal the name of any person from whom you have received a gift or hospitality with an estimated value of at least £25 which you have received in your capacity as a member of the Council.

Date of receipt of Gift/Hospitality	Name of Donor	Reason and Nature of Gift/Hospitality


*You are reminded that you must update the register within 28 days of receiving any further gift or hospitality with an estimated value of at least £25 by completing a continuation sheet which may be obtained from Member Services*

**Changes to Registered Interests**

I understand that I must, within 28 days of becoming aware of any new or change in the above interests, including any change in relation to a sensitive interest, provide written notification thereof to the Council's Monitoring Officer.

I recognise that it is a breach of the Council's Code of Conduct to:

- (1) omit information that ought to be given in this notice;
- (2) provide information that is materially false or misleading;
- (3) fail to give further notices in order to
  - bring up to date information given in this notice;
  - declare an interest that I acquire after the date of this notice and have to declare

and that any breach of the Code of Conduct can be referred to the Standards Committee.

Signed :

Date:

RECEIVED

Signed:

Date:

**Stevenage Borough Council**  
**Employee Code of Conduct**

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## 1. Purpose

- 1.1 The purpose of the Employee Code of Conduct is to provide a framework for staff behaviour, decisions and actions as public officials.
- 1.2 It is not an exhaustive list of what employees can and cannot do, but aims to help employees understand the standards that must be observed, including the ways in which staff should interact with elected Council Members, colleagues and the general public.

## 2. Operation and Scope of the Code

- 2.1 The Employee Code of Conduct (The Code) will operate in line with Stevenage Borough Council's (The Council) values, which are:

- Excellent
- Innovative
- Caring
- One Team
- Responsive
- Straightforward

- 2.2 This Code applies to all employees of the Council on JNC Red book and NJC Green book terms and conditions. Contractors, consultants or agency staff working with the Council will be expected to abide by the standards and principles set out in the Code.
- 2.3 This Code operates in conjunction with the Council's policies and procedures and financial regulations and all employees should familiarise themselves with them.

## 3. General Principles

- 3.1 The public is entitled to expect the highest standards of conduct from all employees of the Council. The role of all employees is to serve the Council in providing advice, implementing its policies and delivering services to the local community. In performing their duties, employees must act with integrity, honesty, impartiality and objectivity.
  - 'integrity' is putting the obligations of public service above your own personal interests
  - 'honesty' is about being truthful and open
  - 'objectivity' is basing your advice and decisions on rigorous analysis of the evidence
  - 'impartiality' is acting solely according to the merits of the case and serving equally well governments of different political persuasions

## **4. Accountability**

- 4.1 Employees are accountable, and owe a duty to the Council to act in accordance with the principles set out in this Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.
- 4.2 Employees must present themselves at all times in a way that brings credit to the Council, whether in person, in the press or on social media. It is important that employees recognise the boundary between “work” and “home” when choosing contacts or groups on social media sites to ensure that they do not put themselves in a situation that could compromise their work and impartiality as council officers.
- 4.3 Employees should avoid posting derogatory comments about the Council on social media sites and must not engage in any social media activity that may be unlawful.
- 4.4 Representations in person or in the media that undermine the Council’s reputation may result in disciplinary action.

## **5. Political neutrality**

- 5.1 Employees, excluding political assistants, must follow every lawfully expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work. Where employees are politically restricted, by reason of the post they hold or the nature of the work they do, they must comply with any statutory restrictions on political activities.

## **6. Relations with members, the public and other employees**

- 6.1 Mutual respect between employees and members is essential to good local government and working relationships should be kept on a professional basis. Employees should deal with the public, members and other employees sympathetically, efficiently and without bias.

## **7. Equality**

- 7.1 Employees must comply with policies relating to equality issues, as agreed by the Council, in addition to the requirements of the law. Discrimination on grounds of race, sex, disability, pregnancy and maternity, sexual orientation, marital or civil partnership, gender re-assignment, religion or belief, or age, is unlawful and also constitutes professional misconduct.

## **8. Stewardship**

- 8.1 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner and must not utilise property, vehicles or other facilities of the Council for personal use unless authorised to do so.

## **9. Safeguarding**

- 9.1** Safeguarding and the protection of children, young persons and vulnerable adults is everyone's responsibility. Protecting the vulnerable is not just a moral duty but a duty of care for every employee, volunteer or contractor of the Council who comes into contact with vulnerable people either directly or indirectly.
- 9.2** All employees must undertake training to equip them with information and tools to practice this duty in the normal course of their work, ensuring they observe the required professional boundaries.

## **10. Personal interests**

- 10.1** An employee must not allow their private interests or beliefs to conflict with their professional duty. They must not misuse their official position improperly or use information acquired in the course of their employment, to further their private interest or the interests of others or to anybody else's disadvantage.
- 10.2** Employees should abide by the Council's rules and follow its guidance about the declaration of gifts offered to or received by them from any person or body seeking to do business with the Council or which would benefit from a relationship with the Council.
- 10.3** Employees whose posts are politically restricted under the Local Government and Housing Act 1989 must ensure they comply with the restrictions imposed at all times, including registration of interests. Further information is available in the Politically Restricted Posts Policy.

## **11. Prejudicial interest**

- 11.1** A prejudicial interest is considered to be a matter which affects the employee's financial interest or relates to a licensing or regulatory matter in which he or she has an interest and where a member of the public, who knows the relevant facts, would reasonably think that his or her personal interest is so significant that it is likely to prejudice his or her judgment of the public interest.
- 11.2** A prejudicial interest in a licensing or regulatory matter may stem from a direct financial interest or from a more tangential interest, where for instance approval for a licence may affect a body with which the qualifying employee has a personal interest or will affect him or her personally.
- 11.3** Employees with a prejudicial interest should notify an Assistant Director, Director or the Chief Executive of such an interest. Where possible, they should take steps to avoid influential involvement in the matter. Where this is not possible, their prejudicial interest should be made clear.

## **12. Whistleblowing**

**12.1** Where an employee becomes aware of activities which that employee believes to be illegal, improper, unethical or otherwise inconsistent with this Code, the employee should report the matter, acting in accordance with the employee's rights under the Public Interest Disclosure Act 1998 and with the Council's confidential reporting procedure or any other procedure designed for this purpose.

## **13. Disclosure of Information**

**13.1** Openness in the dissemination of information and decision making should be the norm in the Council. However, certain information may be confidential or sensitive and therefore not appropriate to share with a wide audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should not be released to anyone other than a member, relevant senior officer or other person who is entitled to receive it, or needs to have access to it for the proper discharge of their functions.

**13.2** Nothing in this Code can be taken as overriding existing statutory or common law obligations to keep certain information confidential, or to divulge certain information in keeping with the General Data Protection Regulation (GDPR) 2016 and Data Protection Act 2018.

## **14. Appointment of staff**

**14.1** Employees, when involved in the recruitment and appointment of staff, must ensure that appointments are made on the basis of merit. In order to avoid any accusation of bias, employees must not be involved in any appointment, or any other decision relating to discipline, promotion or pay and conditions for any other employee, or prospective employee, to whom they are related or with whom they have a close personal relationship outside work.

## **15. Compromising the impartiality of officers of the authority**

**15.1** An employee must not compromise, or attempt to compromise, the impartiality of anyone who works for or on behalf of the Council, either directly or as a response to pressure from others. An employee should not attempt to force other employees to take action or change advice if doing so would prejudice their professional integrity.

## **16. Rewards, Gifts and Hospitality**

**16.1** It is a criminal offence under the Local Government Act 1972, for an officer of a local authority to demand or accept any fee or reward whatsoever other than their employment with the Council.

**16.2** Employees must take note that it is an offence under the Bribery Act 2010 to offer, promise or give financial or other advantage to another person with the intention of

bringing about or rewarding improper performance of a public function. This might include offering any gift, loan, fee, reward or advantage for doing anything or showing favour or disfavour to any person in their official capacity.

- 16.3** It is also an offence under the Bribery Act 2010 to request, agree to accept or receive financial or other advantage with the intention that a public function be improperly performed or rewarded. This might include receiving any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in their official capacity.
- 16.4** Employees should therefore treat with extreme caution any offer or gift, favour or hospitality that is made to them personally as this offer or gift could be construed as being improper.
- 16.5** The following advice should be heeded in respect of the offer/receipt of gifts and/or hospitality from organisations or persons who seek to provide goods or services to the Council.
- 16.6** All gifts offered and/ or received must be registered on the Corporate Gifts and Hospitality Register.

The following may be acceptable:

- A modest gift of a promotional character given to a wide range of people and not uniquely to the employee. These gifts are usually given at Christmas time and include calendars, diaries, desk sets, flow charts, tape measures and other articles of use in the office or job;
- Gifts on the conclusion of any courtesy visit to a factory or firm of a sort normally given by that firm;
- A small gift where refusal would cause needless offence and the giver is not currently seeking a decision or business from the Council, but merely wishes to express thanks for advice or co-operation received, for example flowers or chocolates;
- An offer of hospitality if there is a genuine need to impart information or represent the Council in the community, or where the function is part of the life of the community and the Council should be seen to be represented.
- Gifts such as bottles of wine should be declared on the register, for donation to the Mayor's charity.

**16.7** Directors must be consulted before any response is given to the following:

- Invitations to business lunches or receptions which are likely to be fairly extravagant if only one employee has been asked. It is not always possible to know in advance whether a lunch will turn out to be a "champagne and caviar"

event. In such cases where it would cause offence and be undiplomatic to walk away from such an event, the matter should be reported to the Director on return;

- Substantial personal gifts which are simply delivered and where return might be difficult, e.g. a turkey received at Christmas. It may be acceptable to the giver for the gift to be subject to a raffle and the proceeds placed in a charitable fund;
- Tickets for events of any kind, i.e. theatre, sports, etc. In general, it is considered that offers of tickets for events will not be acceptable, although there may be limited occasions where acceptance will be appropriate.

**16.8** The following must not be accepted under any circumstances. For an employee's own protection the offer of unacceptable gifts or anything which could be interpreted as a bribe must be reported immediately to the Sponsor Director.

**16.9** Examples are:

- Any offers of cash regardless of the amount.
- Offers of major gifts or services e.g.:
  - Holidays
  - Hampers
  - Hotel or company accommodation
  - Offers to provide personal services to any employee, e.g. a building contractor offering to do work on an employee's house at no or reduced cost.

## **17. Special Circumstances**

**17.1** The above guidelines change completely if certain circumstances prevail, in which case any offers of any gifts or services should be reported immediately to the Director.

**17.2** Examples are:

- Gifts etc. from Contractors seeking a major contract from the Council;
- Gifts from an applicant for planning permission to an employee who could have some influence on the matter;
- Gifts from an organisation with which the Council is in dispute;
- Gifts from organisations which are in dispute with each other and where the Council has some influence over the outcome;
- Any other circumstances where the receipt of any gift/hospitality could, however incorrectly, be interpreted as a bribe.

## **18. Personal Judgement**

**18.1** Clearly no set of rules can be comprehensive, but the following points should be considered in conjunction with the above guidelines:

- Always err on the side of caution, if in any doubt at all, ask your Assistant Director
- In cases where it is appropriate to refuse a gift, do it tactfully, explaining if necessary the policy over the receipt of gifts.

## **19. Health and Safety**

**19.1** All employees have a responsibility, under the Health and Safety at Work Act 1974, to take care in undertaking their duties, to wear protective clothing and use any safety equipment issued to them.

**19.2** All accidents or incidents at work or any health and safety risks must be reported to the relevant manager without delay.

**19.3** All managers have a responsibility for the health and safety of their staff, taking all reasonable steps to ensure that all activities are carried out with due regard to the Council's safety policies.

**19.4** Alcohol, drugs and substance misuse impairs judgement and can put employees, work colleagues and members of the public at risk. Abuse of any such substance whilst at work may be treated as a disciplinary offence.

## **20. Criminal Offences**

**20.1** Notwithstanding anything in this Code, all employees are required to comply with the provisions of section 117 of the 1972 Act, to declare an interest in any contract that they may have a direct or indirect pecuniary interest in and not to accept any fee or reward in the course of their employment other than their usual salary and associated employee benefits (if any).

An employee who breaches Section 117 commits a criminal offence.

**20.2** Disclosure of criminal convictions

- Employees are required to declare any convictions or bind overs received during the course of their employment to their line manager (or in exceptional circumstances someone more senior) at the earliest possible opportunity.
- Employees should also declare any cautions received during the course of their employment if they relate to fraud or theft, or relate to any matter which would directly or indirectly impact on their responsibilities with regard to children, young persons or vulnerable adults, or if it is likely that the conduct for which

the caution was received would bring the Council into disrepute, taking into account the employee's work within the Council.

- In the event that an employee is unsure whether to disclose a caution or not they should contact Human Resources in confidence to discuss the matter. Failure to declare any such conviction, bind over or relevant caution, for whatever reason, may be regarded as gross misconduct under the Council's disciplinary rules.

## 21. Version Control

### DOCUMENT HISTORY & VERSION CONTROL

Version	Date approved	Approved by	Description
2	15/12/2020	SLT	Revised Code
2	13/01/2021	Staff Side	Revised Code

Projected Date for Review: 2023

## 22. Appendix 1

### **Declaration – Employee Code of Conduct**

#### **To be completed by ALL employees**

I am aware that I am required to abide by the Council's Employee Code of Conduct as published on Stevenage Borough Council's Intranet and also available from my Business Unit Manager.

I understand that, as an employee of the Council, I am expected to demonstrate the highest possible standard of service and conduct to the local community we serve. I also understand that the Employee Code of Conduct forms part of my terms and conditions of employment.

I accept that it is my responsibility to read and comply with the requirements of the Employee Code of Conduct and that failure to do so may result in disciplinary action.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_

Job Title: \_\_\_\_\_

Business Unit: \_\_\_\_\_

## PROTOCOL FOR RELATIONSHIPS BETWEEN MEMBERS AND OFFICERS

### 1. Preamble

Mutual trust and respect between Members and officers is at the heart of a Council's good governance. They are essential if the partnership necessary for the effective running of a local authority is to succeed.

### 2. Definitions

**2.1** Unless the context indicates otherwise, references to the term *Council* include the Executive, Development & Scrutiny Committees and other committees and sub-committees.

**2.2** For the purposes of this protocol, the term *Executive* refers to the Leader and Executive.

**2.3** Unless the context indicates otherwise, the terms *Member* and *Members* include non-elected (i.e. co-opted and independent) Members as well as elected Councillors.

**2.4** *Officers* and *staff* mean all persons employed by the Council.

**2.5** *Senior officer* means Chief Executive, Strategic Directors, Assistant Directors and Heads of Service.

**2.6** *Chief Finance Officer* means the Assistant Director (Finance) being the officer exercising the duties prescribed by law for the financial administration of the Council.

**2.7** *Monitoring Officer* means the Borough Solicitor.

### 3. Principles

**3.1** Members and officers must at all times observe this protocol.

**3.2** The protocol has been approved by the Council's Standards Committee who will monitor its operation.

- 3.3** The protocol seeks to maintain and enhance the integrity (real and perceived) of local government which demands the highest standards of personal conduct.
- 3.4** Members and officers must always respect the roles and duties of each other. They must show respect in all their dealings by observing reasonable standards of courtesy, and by not seeking to take unfair advantage by virtue of their position.
- 3.5** Whilst Members and officers are indispensable to one another, their responsibilities are distinct. Members are accountable to the electorate and serve only as long as their term of office lasts. Officers are accountable to the Council as a whole. Their job is to give advice to Members (individually and collectively) and to carry out the Council's work under the direction of the Council.
- 3.6** The Council has adopted codes of conduct for both Members and officers. Both represent best practice. The Members' Code is based on the general principles set out in Section 26 of the Localism Act 2011, namely –
- Selflessness
  - Integrity
  - Objectivity
  - Accountability
  - Openness
  - Honesty
  - Leadership
- 3.7** These principles underpin this protocol.
- 3.8** Until such time as a National Code appears, officers are bound by the Council's own code of conduct for staff and, in some cases, by the codes of their professional associations.
- 3.9** Breaches of this protocol by a Member may result in a complaint to the Standards Committee if it appears the Members' Code has also been breached. Breaches by an officer may lead to disciplinary action.

#### **4. The Role of Members**

- 4.1** Members have a number of roles and need to be alert to the potential for conflicts of interest which may arise between the roles. Where such conflicts are likely, Members may wish to seek the advice of senior colleagues, the relevant senior officer(s), and/or the Monitoring Officer.

- 4.2** Collectively, Members are the ultimate policy-makers determining the core values of the Council and approving the authority's policy framework, strategic plans and budget.
- 4.3** Members represent the community, act as community leaders and promote the social, economic and environmental well-being of the community often in partnership with other agencies.
- 4.4** Every elected Member represents the interests of, and is an advocate for, her/his ward and individual constituents. He/she represents the Council in the ward, responds to the concerns of constituents, meets with partner agencies, and often serves on local bodies.
- 4.5** Some Members have roles relating to the position as Members of the Executive, the Overview and Scrutiny Committee, Select Committees or other committees and sub committees of the Council.
- 4.6** Members of the Executive can have individual delegated powers and all Members have delegated powers in relation to their Local Community Budgets. Decision making by Members must be in accordance with the rules and procedures set down in the Constitution. They may determine matters within their portfolios but implementation of their decisions is the responsibility of officers.
- 4.7** Members serving on the Overview and Scrutiny Committee and Select Committees monitor the effectiveness of the Council's policies and services, develop policy proposals and examine community issues. They may also consider services provided by other public bodies and the Council's partners.
- 4.8** Members who serve on other committees and sub-committees collectively have delegated responsibilities, e.g. deciding quasi-judicial matters which by law are excluded from the remit of the Executive.
- 4.9** Some Members may be appointed to represent the Council on local, regional or national bodies.
- 4.10** As politicians, Members may express the values and aspirations of the party political groups to which they belong, recognising that in their role as Members they have a duty always to act in the public interest.
- 4.11** Members are not authorised to instruct officers other than:
- Through the formal decision-making process
  - To request the provision of consumable resources provided by the Council for Members' use
  - Where staff have been specifically allocated to give support to a Member or group of Members; and

- In the case of political assistants

**4.12** Members are not authorised to initiate or certify financial transactions, or to enter into a contract on behalf of the Council.

**4.13** Members must avoid taking actions which are unlawful, financially improper or likely to amount to maladministration. Members have an obligation under their code of conduct to have regard, when reaching decisions, to any advice provided by the Monitoring Officer or the Chief Finance Officer.

**4.14** Members must respect the impartiality of officers and do nothing to compromise it, e.g. by insisting that an officer change her/his professional advice.

## **5. The Role of Officers**

**5.1** Officers are responsible for giving advice to Members to enable them to fulfil their roles. In doing so, officers will take into account all available relevant factors.

**5.2** Under the direction and control of the Council (including, as appropriate, the Executive, committees and sub-committees), officers manage and provide the Council's services within the framework of responsibilities delegated to them. This includes the effective management of employees and operational issues.

**5.3** Officers have a duty to implement decisions of the Council, the Executive, committees and sub-committees which are lawful, and which have been properly approved in accordance with the requirements of the law and the Council's Constitution, and duly minuted.

**5.4** Officers have a contractual and legal duty to be impartial. They must not allow their professional judgment and advice to be influenced by their own personal views.

**5.5** Officers must assist and advise all parts of the Council. They must always act to the best of their abilities in the best interests of the authority as expressed in the Council's formal decisions.

**5.6** Officers must be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for Members, the media or other sections of the public.

**5.7** Officers have the right not to support Members in any role other than that of Member, and not to engage in actions incompatible with this protocol. In particular, there is a statutory limitation on officers'

involvement in political activities.

**6. The Relationship between Members and Officers: General**

- 6.1** The conduct of Members and officers should be such as to instil mutual confidence and trust.
- 6.2** The key elements are recognition of, and respect for, each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other, both publicly and privately.
- 6.3** Informal and collaborative two-way contact between Members and officers is encouraged, but personal familiarity can damage the relationship, as might a family or business connection.
- 6.4** Members and officers should inform the Monitoring Officer or their director of any relationship which might be seen as unduly influencing their work in their respective roles.
- 6.5** It is not enough to avoid actual impropriety. Members and officers should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a personal relationship has been disclosed, those concerned should avoid a situation where conflict could be perceived. Specifically, a Member should not sit on a body or participate in any decision which directly affects the officer on a personal basis.
- 6.6** Officers serve the Council as a whole. They have a duty to implement the properly authorised decisions of the Council.
- 6.7** Officers work to the instructions of their senior officers, not individual Members. It follows that, whilst such officers will always seek to assist a Member, they must not be asked to exceed the bounds of authority they have been given by their managers. Except when the purpose of an enquiry is purely to seek factual information, Members should normally direct their requests and concerns to a senior officer, at least in the first instance.
- 6.8** Officers will do their best to give timely responses to Members' enquiries. However, officers should not have unreasonable requests placed on them. Their work priorities are set and managed by senior managers. Members should avoid disrupting officers' work by imposing their own priorities.
- 6.9** Members will endeavour to give timely responses to enquiries from officers.
- 6.10** An officer shall not discuss with a Member personal matters concerning her/himself or another individual employee. This does not

prevent an officer raising on a personal basis, and in her/his own time, a matter with her/his ward Member.

- 6.11** Members and officers should respect each other's free (i.e. non-Council) time.

## **7. The Council as Employer**

- 7.1** Officers are employed by the Council as a whole.

- 7.2** Members' roles are limited to:

- The appointment of specified senior posts
- Determining human resources policies and conditions of employment
- The appointment of political assistants, and
- Hearing and determining appeals, as appropriate.

- 7.3** Members shall not act outside these roles.

- 7.4** If participating in the appointment of officers, Members should:

- Remember that the sole criterion is merit (other than in the case of political assistants where political consideration may apply)
- Never canvass support for a particular candidate
- Not to take part where one of the candidates is a close friend or relative
- Not be influenced by personal preferences, and
- Not favour a candidate by giving her/him information not available to the other candidates

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

## **8. Mayor and Officers**

- 8.1** Officers will respect the position of Mayor and provide appropriate support.

## **9. Executive Members and Officers**

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

decisions.

- 9.2** In addition to individual Members of the Executive, senior officers (including the Monitoring Officer and the Chief Finance Officer) have the right to submit papers to the Executive as a whole or to individual Executive Members for consideration.
- 9.3** Senior officers and Executive Members shall agree mutually convenient methods of regular contact. Before taking any formal decisions, the Executive will seek appropriate professional advice including, without exception, the Monitoring Officer and Chief Finance Officer, and will not direct officers in the framing of recommendations.
- 9.4** Before any formal decisions with a financial implication are taken by the Executive, the Chief Finance Officer and the senior officer(s) for the service(s) concerned must be consulted. This is to ensure that those officers who are budget holders:
- Are aware of the proposed decision
  - Have the opportunity to offer advice, and
  - Are subsequently able properly to authorise the financial transactions needed to implement decisions
- 9.5** An individual Executive Member who is minded to write or commission a report or to make a decision about a matter within her/his portfolio must ensure that those other Members and officers who need to know of the matter are so informed. There is a particular requirement to involve other Executive Members on cross-cutting issues.
- 9.6** Executive Members when making decisions (whether collectively or individually) must state the reasons for those decisions. The written record of the decisions must include the reasons.
- 9.7** Officers taking decisions under their delegated powers must consider the advisability of informing the relevant Executive Member(s) of their intentions in advance when the matter to which the decisions relate is likely to be sensitive or contentious, or has wider policy implications.
- 10. Overview and Scrutiny and Select Committee Members and Officers**
- 10.1** Chairs and other leading overview and scrutiny and select committee Members shall maintain regular contact with the officer(s) providing the principal support to the overview and scrutiny function. In consultation with chairs, it shall be the responsibility of the latter to ensure that those who need to know of matters being considered or for possible future consideration are so informed.

- 10.2** The Overview and Scrutiny Committee, Select Committees and their Chairs may require officers to attend scrutiny meetings. Members should not normally expect junior officers to give evidence. All requests should be made to senior officers in the first instance.
- 10.3** When making requests for officer attendance, scrutiny Members shall have regard to the workload of officers.
- 10.4** It is recognised that officers required to appear before an overview and scrutiny committee may often be those who have advised the Executive or another part of the Council on the matter under investigation. In these circumstances, an officer may have a conflict of interest. Both Members and officers need to consider the severity of the conflict. If deemed appropriate, research and advice may be sought elsewhere – from the Council’s dedicated Scrutiny Officer or externally.
- 10.5** Subject to 10.4 above, officers should be prepared to justify advice given to the Council, the Executive, or other committees and sub-committees even when the advice was not accepted.
- 10.6** Officers must also be prepared to justify decisions they have taken under delegated powers.
- 10.7** In giving evidence, officers must not be asked to give political views.
- 10.8** Officers should respect Members in the way they respond to Members’ questions.
- 10.9** Members should not question officers in a way which could be interpreted as harassment. Neither should they ask about matters of a disciplinary nature.
- 10.10** The Overview and Scrutiny Committee and Select Committees must not be used to question the capability or competence of officers. Chairs and Members need to make a distinction between reviewing the policies and performance of the Council and its services, and appraising the personal performance of staff. The latter is not an overview and scrutiny function.
- 10.11** In exercising the right to call-in a decision of the Executive, Overview and Scrutiny Committee Members must seek officer advice if they consider the decision is contrary to the Council’s approved plans, policies or frameworks, or is unlawful.

**11. Members of other Committees or Sub-Committees and Officers**

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

**12. Party Groups and Officers (excluding political assistants)**

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

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

### **13. Political Assistants**

- 13.1** These officers can be appointed by the Council exclusively to provide support to each of the party groups. Their function is to assist the interests and work of the group to which they have been assigned. This is in contrast to all other staff whose duty is to serve the Council as a whole.
- 13.2** Political assistants will be treated in accordance with, and are expected to observe, all codes, policies and practices relating to the Council's staff. This includes the courtesy and consideration which the Council expects its officers to show to one another.
- 13.3** Except for their immediate secretarial and clerical support, the assistants will have no line management responsibility or power of direction over other staff.
- 13.4** Political assistants are not authorised to comment publicly on behalf of the Council as a whole, or to commit the Council to any particular course of action, but can comment on behalf of the party group to which they have been assigned.
- 13.5** The level of access to Council documents and information shall be that enjoyed by Members.

### **14. Local Members and Officers**

- 14.1** To enable them to carry out their ward role effectively, Members need to be fully informed about matters affecting their ward. Senior officers must ensure that all relevant staff are aware of the requirement to keep local Members informed, thus allowing Members to contribute to the decision-making process and develop their representative role.
- 14.2** This requirement is particularly important:
- During the formative stages of policy development, where practicable
  - In relation to significant or sensitive operational matters
  - Whenever any form of public consultation exercise is undertaken, and
  - During an overview and scrutiny investigation
- 14.3** Issues may affect a single ward. Where they have a wider impact, a number of local Members will need to be kept informed.
- 14.4** Whenever a public meeting is organised by the Council to consider a local issue, all the Members representing the wards affected should be invited to attend the meeting as a matter of course.

- 14.5** If a local Member intends to arrange a public meeting on a matter concerning some aspect of the Council's work, he/she should inform the relevant officer. Provided the meeting has not been arranged on a party political basis:
- An officer may attend but is not obliged to do so, and
  - The meeting may be held in Council-owned premises
- 14.6** No such meetings should be arranged or held in the immediate run-up to Council elections.
- 14.7** Whilst support for Members' ward work is legitimate, care should be taken if staff are asked to accompany Members to ward surgeries. In such circumstances:
- The surgeries must be open to the general public, and
  - Officers should not be requested to accompany Members to surgeries held in the offices or premises of political parties
- 14.8** Officers must never be asked to attend ward or constituency political party meetings.
- 14.9** It is acknowledged that some Council staff (e.g. those providing dedicated support to Executive Members) may receive and handle messages for Members on topics unrelated to the Council. Whilst these will often concern diary management, care should be taken to avoid Council resources being used for private or party political purposes.
- 14.10** In seeking to deal with constituents' queries or concerns, Members should not seek to jump the queue but should respect the Council's procedures. Officers have many pressures on their time. They may not be able to carry out the work required by Members in the requested timescale, and may need to seek instructions from their managers.
- 15. Members' Access to Documents and Information**
- 15.1** This part of the protocol should be read in conjunction with the Access to Information Procedure Rules in the Council's Constitution.
- 15.2** Members may request senior officers to provide them with such information, explanation and advice as they may reasonably need to assist them to discharge their roles as Members. This may range from general information about some aspect of the Council's services to specific information on behalf of a constituent. Where information is requested on behalf of a third party, it will only be provided if:
- It is in the public domain, and
  - It is not barred by the Data Protection Act from being given

- 15.3** Every Member of the Executive, Overview and Scrutiny Committee, Select Committees and/or any other committee or sub-committee has a right to inspect documents about the business of that body.
- 15.4** A Member who is not a Member of the Overview and Scrutiny Committee, Select Committees or other committee or sub-committee, or the Executive may have access to any document of that specific part of the Council provided:
- He/she can demonstrate a reasonable need to see the documents in order to carry out her/his role as a Member (the “need to know” principle), and
  - The documents do not contain “confidential” or “exempt” information as defined by the law
- 15.5** Disputes as to the validity of a Member’s request to see a document on a need to know basis will be determined by the Monitoring Officer. Officers should seek her/his advice if in any doubt about the reasonableness of a Member’s request.
- 15.6** A Member should obtain advice from the Monitoring Officer in circumstances where he/she wishes to have access to documents or information:
- Where to do so is likely to be in breach of the Data Protection Act, or
  - Where the subject matter is one in which he/she has a personal or prejudicial interest as defined in the Members’ Code of Conduct.
- 15.7** Information given to a Member must only be used for the purpose for which it was requested.
- 15.8** It is an accepted convention that a Member of one party group will not have a need to know and therefore a right to inspect a document which forms part of the internal workings of another party group.
- 15.9** Members and officers must not disclose information given to them in confidence without the consent of a person authorised to give it, or unless required by law to do so.
- 15.10** When requested to do so, officers will keep confidential from other Members advice requested by a Member.
- 15.11** Members and officers must not prevent another person from gaining access to information to which that person is entitled by law.

**16. Media Relations**

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

## **17. Correspondence**

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

## **18. Access to Premises**

- 18.1** Officers have the right to enter Council land and premises to carry out their work. Some officers have the legal power to enter property in the ownership of others.
- 18.2** Members have a right of access to Council land and premises to fulfil their duties.
- 18.3** When making visits as individual Members, Members should:
- Whenever practicable, notify and make advance arrangements with the appropriate manager or officer in charge.
  - Comply with health and safety, security and other workplace rules.
  - Not interfere with the services or activities being provided at the time of the visit.
  - If outside her/his own ward, notify the ward Member(s) beforehand; and
  - Take special care at schools and establishments serving vulnerable sections of society to avoid giving any impression

of improper or inappropriate behaviour.

## **19. Use of Council Resources**

**19.1** The Council provides all Members with services such as typing, printing and photocopying, to assist them in discharging their roles as Members of the Council. These goods and services are paid for from the public purse. They should not be used for private purposes or in connection with party political or campaigning activities.

**19.2** Members should ensure they understand and comply with the Council's own rules about the use of such resources, particularly:

- Where facilities are provided in Members' homes at the Council's expense.
- In relation to any locally-agreed arrangements e.g. payment for private photocopying; and
- Regarding ICT security

**19.3** Members should not put pressure on staff to provide resources or support which officers are not permitted to give. Examples are:

- Business which is solely to do with a political party.
- Work in connection with a ward or constituency party political meeting.
- Electioneering.
- Work associated with an event attended by a Member in a capacity other than as a Member of the Council.
- Private personal correspondence.
- Work in connection with another body or organisation where a Member's involvement is other than as a Member of the Council; and
- Support to a Member in her/his capacity as a Councillor of another local authority.

## **20. Interpretation, Complaints and Allegations of Breaches**

**20.1** This part of the protocol should be read in conjunction with any "whistle-blowing" policy the Council may have.

- 20.2** Members or officers with questions about the implementation or interpretation of any part of this protocol should seek the guidance of the Monitoring Officer.
- 20.3** A Member who is unhappy about the actions taken by, or conduct of, an officer should:
- Avoid personal attacks on, or abuse of, the officer at all times.
  - Ensure that any criticism is well founded and constructive.
  - Never make a criticism in public, and
  - Take up the concern with the officer privately.
- 20.4** If direct discussion with the officer is inappropriate (e.g. because of the seriousness of the concern) or fails to resolve the matter, the Member should raise the issue with the officer's manager or the relevant senior officer.
- 20.5** A serious breach of this protocol by an officer may lead to an investigation under the Council's disciplinary procedure.
- 20.6** An officer who believes a Member may have acted other than in accordance with this protocol should raise her/his concern with the Monitoring Officer. He/she will consider how the complaint or allegation should be dealt with. At a minor level, this may be no more than informally referring the matter to the leader of the relevant party group. More serious complaints may involve alleged breaches of the Members' Code of Conduct, and may be referred to the Standards Committee.

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## STEVENAGE BOROUGH COUNCIL

### MEMBERS' ALLOWANCES SCHEME

EFFECTIVE FROM 1 April 2020 to 31 March 2021

Stevenage Borough Council has made the following Members' Allowances scheme under the Local Government Act 2000 and the Local Authorities (Members' Allowances) (England) Regulations 2003.

1. This scheme may be cited as the Stevenage Borough Council Members' Allowances Scheme, and shall have effect for the year 1 April 2020 to 31 March 2021.

2. In this scheme,

“Councillor” means a Member of the Stevenage Borough Council who is a Councillor; “year” means the period ending on 31 March 2021.

3. Basic Allowance

A basic allowance shall be paid to each Councillor from 1 April 2020.

4. Special Responsibility Allowances

1) For each year a special responsibility allowance shall be paid to those Councillors who hold the special responsibilities in relation to the authority that are specified in the schedule to this scheme.

2) Subject to paragraph 6, (part year entitlements) the amount of each such allowance shall be the amount specified against that special responsibility in that schedule.

3) Members are only able to claim one SRA.

5. Renunciation

A Councillor may by notice in writing to the Chief Executive elect to forego any part of their entitlement to an allowance under this scheme.

6. Part-year Entitlements

Payment of Basic and Special Responsibility Allowances will be pro-rata where Councillors do not serve for a full year on the Council.

7. Payments

Payments shall be made on a regular monthly basis. Claims for dependent carer's allowances and travel and subsistence allowance shall be made within two months of being incurred.

## 8. Suspension of Payments

The Council will withhold all allowances to any Councillor who is suspended for misconduct and will require Councillors to repay any allowance already paid during a period of suspension.

### **Basic Allowances**

Basic Allowance	Paid to All Members	£8,019
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### **Special Responsibility Allowances**

(i)	Leader of the Council	£22,512
(ii)	Executive Members	£11,025
(iii)	Chair of Planning and Development Committee	£11,025
(iv)	Chair of Overview & Scrutiny Committee	£9,900
(v)	Chair of Licensing Committee	£4,503
(vi)	Chairs of Select Committees	£5,628
(vii)	Chair of Audit Committee	£4,503
(viii)	Leader of the Opposition	£4,503
(ix)	Leader of minority opposition party(ies)	£1,541

### **Payment to Specific Co-opted Members**

Independent Member - Audit Committee	£1,361
Independent person who must be consulted on alleged breaches of a code of conduct	£1,361

### **Carer's Allowance**

The following amounts may be claimed for Councillors attending approved duties.

Childcare	Maximum of £11.30 per hour
Dependant care	Maximum of £25.69 per hour

Payment to relatives that live in the same household as the Councillor will not be admissible and there will be a maximum allowance of 20 hours per month. Receipts will need to be provided.

### **Travel, Subsistence and Other Allowances**

The allowances for travel and subsistence will be the same as those fixed for employees of the Council from time to time. Claims to be submitted within 2 months of the date to which they relate.

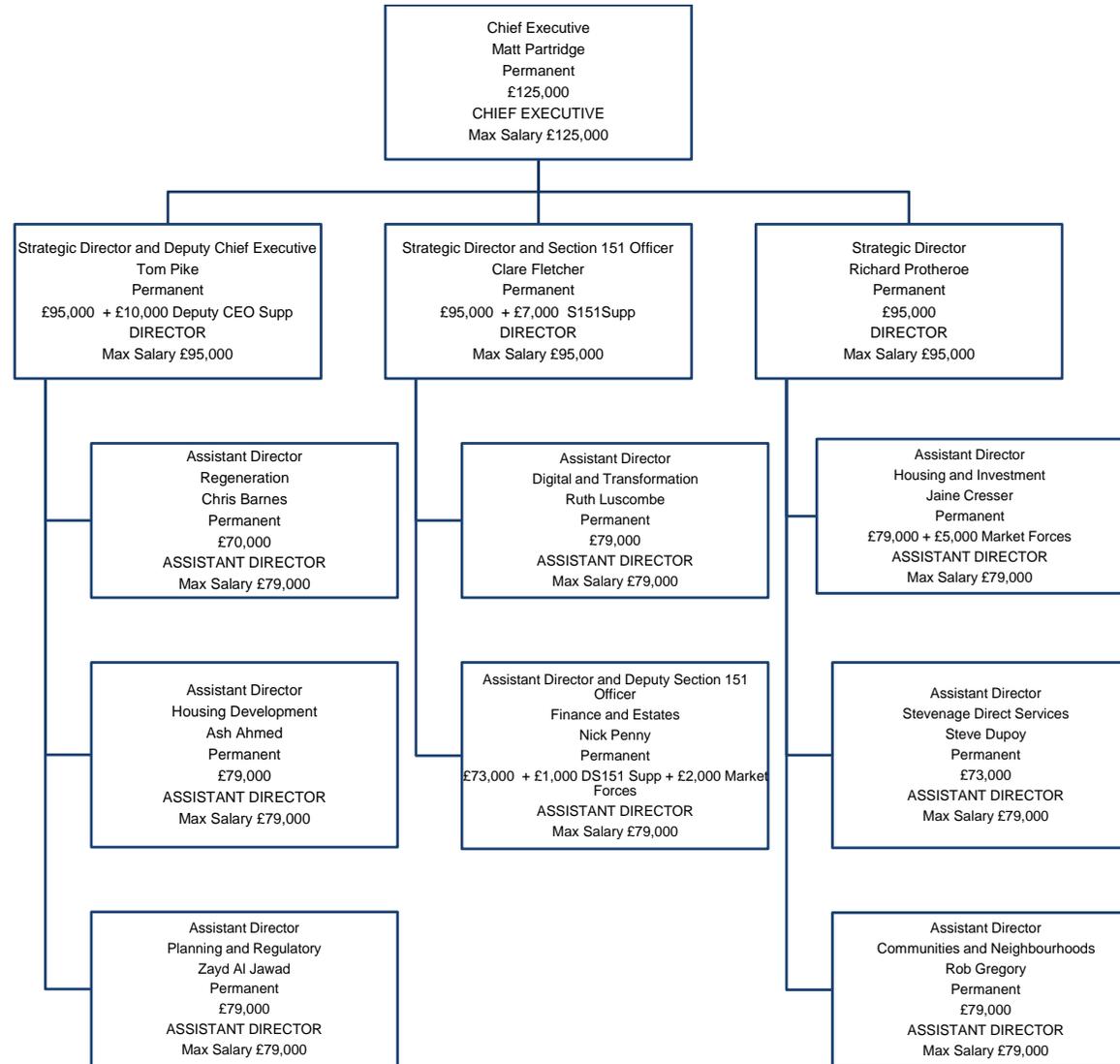
### **Variations**

The Basic and Special Responsibility Allowances details above are index linked to any pay awards applicable to NJC staff.

# Stevenage Borough Council Senior Structure Chart

April 2021

**KEY**  
 Job Title  
 Department  
 Name  
 Contract Type  
 Equivalent Whole Time  
 Salary (Nearest £5,000) + Supplements (If applicable)  
 Grade  
 Maximum Salary Ceiling (nearest £5,000)



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