

Reigate and Banstead Borough Council

Constitution



This Constitution has been prepared and maintained as required by Section 37 of the Local Government Act 2000 and in line with guidance issued by the Secretary of State under Section 38 of that Act.

Updated with administrative changes: April 2024

This document is available on the Council's website
www.reigate-banstead.gov.uk

For enquiries contact:

Phone: 01737 276182

Email: democratic@reigate-banstead.gov.uk

Published 04 April 2024

Reigate & Banstead
BOROUGH COUNCIL
Banstead | Horley | Redhill | Reigate

A green horizontal bar at the bottom of the logo, with a white swoosh-like shape cut out from the center.

1.	Part 1 - Summary and Explanation	(Pages 5 - 8)
2.	Part 2 - Articles of the Constitution	
a)	Article One - The Constitution	(Pages 9 - 10)
b)	Article Two - Members of the Council	(Pages 11 - 12)
c)	Article Three - Citizens and the Council	(Pages 13 - 14)
d)	Article Four - The Council	(Pages 15 - 16)
e)	Article Five - Chairing the Council	(Pages 17 - 18)
f)	Article Six - The Leader and Deputy Leader	(Pages 19 - 20)
g)	Article Seven - The Executive	(Pages 21 - 22)
h)	Article Eight - Overview & Scrutiny Arrangements	(Pages 23 - 24)
i)	Article Nine - Licensing & Regulatory and Other Committees	(Pages 25 - 26)
j)	Article Ten - The Standards Committee	(Pages 27 - 28)
k)	Article Eleven - Area Committees	(Pages 29 - 30)
l)	Article Twelve - Joint Arrangements	(Pages 31 - 32)
m)	Article Thirteen - Officers	(Pages 33 - 36)
n)	Article Fourteen - Decision Making	(Pages 37 - 38)

- o) **Article Fifteen - Review and Revision of the Constitution** (Pages 39 - 40)
 - p) **Article Sixteen - Suspension, Interpretation and Publication of the Constitution** (Pages 41 - 42)
 - q) **Schedule 1 to Part 2 - Description of Executive Arrangements** (Pages 43 - 44)
- 3. Part 3 - Responsibility for Functions**
- a) **Part 3a - Responsibility for Local Choice Functions** (Pages 45 - 46)
 - b) **Part 3a - Responsibility for Council Functions** (Pages 47 - 58)
 - c) **Part 3a - Responsibility for Executive Functions** (Pages 59 - 66)
 - d) **Part 3b - Officer Scheme of Delegation** (Pages 67 - 154)
- 4. Part 4 - Procedure Rules**
- a) **Procedure Rule 1 - Access to Information** (Pages 155 - 158)
 - b) **Procedure Rule 2 - Council** (Pages 159 - 170)
 - c) **Procedure Rule 3 - Executive Functions** (Pages 171 - 178)
 - d) **Procedure Rule 4 - Committees** (Pages 179 - 184)
 - e) **Procedure Rule 5 - Overview and Scrutiny** (Pages 185 - 194)
 - f) **Procedure Rule 6 - Policy Framework and Budget** (Pages 195 - 200)
 - g) **Procedure Rule 7 - Financial Procedure Rules** (Pages 201 - 250)

- h) **Procedure Rule 8 - Contract Procedure Rules** (Pages 251 - 264)
 - i) **Procedure Rule 9 - Officer Employment** (Pages 265 - 272)
- 5. Part 5 - Codes and Protocols**
- a) **Member Code of Conduct** (Pages 273 - 284)
 - b) **Member Officer Relations** (Pages 285 - 292)
 - c) **Working Groups and Task Groups** (Pages 293 - 294)
- 6. Part 6 - Members' Allowances Scheme** (Pages 295 - 300)

Part 1: Summary and Explanation

The Constitution sets out how the Council operates, how decisions are made and the procedures that are in place to ensure decisions are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others have been chosen by the Council.

The Constitution comprises 17 Articles that set out the basic rules governing the Council's business, together with more detailed procedure rules, codes of practice and protocols.

The Council exists to improve the quality of life to people who live and work in the Borough of Reigate and Banstead. Article 1 of the Constitution is intended to assist in the delivery of this objective by providing for clear leadership, enhanced local democracy, accountability and the effective and efficient provision of services.

Articles 2 -17 explain the rights of citizens and how the key parts of the Council operate.

The Articles are listed below and are detailed in Part 2 of the Constitution.

- Article 1 – The Constitution
- Article 2 – Members of the Council
- Article 3 – Citizens and the Council
- Article 4 – The Council
- Article 5 – Chairing the Council
- Article 6 – Leader of the Council
- Article 7 – The Executive
- Article 8 – Overview and Scrutiny arrangements
- Article 9 – Licensing and Regulatory and other Committees
- Article 10 – The Standards Committee
- Article 11 – Area Committees
- Article 12 – Joint arrangements
- Article 13 – Officers
- Article 14 – Decision making
- Article 15 – Finance, contracts and legal matters
- Article 16 – Review and revision of the Constitution
- Article 17 – Suspension, interpretation and publication of the Constitution

The Council

The Council comprises 45 Councillors with one-third elected three years in four. Councillors are democratically accountable to the 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 Council has a Standards Committee to provide training and advice on the Code.

Part 1: Summary and Explanation

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. The Council:

- Appoints the Leader
- Agrees the budget and sets the level of Council Tax for the area
- Approves the framework for the delegation of responsibilities of non-executive functions
- Determines the policy framework
- Deals with issues outside of the policy and budget framework
- Holds the Leader to account by considering matters referred to it by the Overview and Scrutiny Committee

The Leader

The Leader is responsible for most day-to-day decisions and is appointed by Council for a four year term of office or until his/her term of office as a Councillor expires.

When major decisions are to be discussed or made, these are published in advance, as set out in Procedure Rule 3 – Executive Functions. Decisions generally are made at meetings (with Council Officers present) and these are open to the public except where personal or confidential matters are being discussed.

The Leader has to make decisions in line with the Council's overall policies and budget. If he/she wishes to make a decision outside the budget or policy framework, this must be referred to the Council as a whole to decide.

The Leader can delegate decisions to the Executive, individual Members of the Executive, Sub-Committees of the Executive, individual local Members or Officers.

The Executive

The Executive is made up of the Leader, Deputy Leader and a Cabinet of between 1 and 8 additional Councillors appointed by the Leader. Executive Members will normally be responsible for a portfolio of services/functions allocated to them by the Leader.

Any reference within this Constitution to the Executive decision making process, and the rules applying to it, should be taken to refer equally to an Executive Sub Committee, individual Executive Member or Officer.

Overview and Scrutiny

The Council has established one Overview and Scrutiny Committee which can appoint ad hoc Panels to support its role. The Committee and Panels assist the work of the Leader/Executive and the Council as a whole. They allow citizens to have a greater say in Council matters by holding public inquiries into matters of local concern. These lead to reports and recommendations advising the Leader or Executive decision maker and the Council as a whole on its policies, budget and service delivery. The Overview and Scrutiny Committee also monitors the decisions under the Executive arrangements. It can 'call-in' an Executive decision made but not yet implemented. This enables it to consider whether the decision is appropriate. It may recommend that the Executive decision maker reconsider the decision. It may also be consulted on forthcoming decisions and the development of policy.

Other Committees

The Council has a number of other Committees which deal primarily with the regulatory functions which are not the responsibility of the Leader. These are the Audit, Planning, Licensing and Regulatory, Standards, and Employment Committees.

The Council's Staff

The Council has people working for it (called 'Officers') to give advice, implement decisions and manage 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. Codes of Conduct govern the conduct of Officers and the relationship between Officers and Members of the Council.

Citizens' Rights

Citizens have a number of rights in their dealings with the Council. These are set out in Article 3. Some are legal rights, whilst others result from the Council's own procedures. The local Citizens' Advice Bureau can advise on individuals' legal rights.

Where members of the public use specific Council services, for example as an applicant for housing benefit, they have additional rights. These are not covered in this Constitution.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact Democratic Services by e-mail democratic@reigate-banstead.gov.uk

A statement of the rights of citizens to inspect Agenda and reports and attend meetings is available on the Council's website or on request.

This page is intentionally left blank

Part 2: Articles of the Constitution

Article 1 – The Constitution

1.1 Powers of the Council

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

1.2 The Constitution

1.2.1 This Constitution, comprising the following parts, is the Constitution of the Reigate and Banstead Borough Council:

Part 1: Summary and Explanation

Part 2: Articles of the Constitution

Part 3a: Responsibility for Functions

Part 3b: Officer Scheme of Delegation

Part 4: Procedure Rules

- Procedure Rule 1 – Access to Information
- Procedure Rule 2 – Council
- Procedure Rule 3 – Executive Functions
- Procedure Rule 4 – Committee and Sub Committee
- Procedure Rule 5 – Overview & Scrutiny
- Procedure Rule 6 – Policy Framework and Budget
- Procedure Rule 7 – Financial
- Procedure Rule 8 – Contract
- Procedure Rule 9 – Officer Employment

Part 5: Codes and Protocols

- Members' Code of Conduct
- Protocol 1 – Member/Officer relations
- Protocol 2 – Member Working Groups and Task Groups

Part 6: Members' Allowances Scheme

1.3 Purpose of the Constitution: The purpose of the Constitution is to:

1.3.1 Enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organizations;

1.3.2 Support the active involvement of citizens in the process of local authority decision-making;

Article 1 – The Constitution

- 1.3.3 Help Councillors represent their constituents effectively;
- 1.3.4 Enable decisions to be taken efficiently and effectively;
- 1.3.5 Create a powerful and effective means of holding decision-makers to public account;
- 1.3.6 Ensure that no one will review or scrutinise a decision in which they were directly involved;
- 1.3.7 Ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decisions; and
- 1.3.8 Provide a means of improving the delivery of services to the community.

1.4 Interpretation and Review of the Constitution

- 1.4.1 Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option it thinks is closest to the purposes stated above.
- 1.4.2 The Council will monitor and evaluate the operation of the Constitution as set out in Article 15.

Article 2 – Members of the Council

2.1 Composition and Eligibility

Composition

2.1.1 The Council comprises 45 Members, called Councillors.

Eligibility

2.1.2 Only registered voters of the Borough or those living or working there will be eligible to hold the office of Councillor.

2.1.3 Councillors must be 18 years of age or over

2.2 Election and Terms of Councillors

2.2.1 In May 2019 the Council undertook all out elections for all 45 seats. Councillors were elected for periods of between 1 and 4 years depending on the results of the elections. This allowed the election of thirds to be undertaken in subsequent years. The elections of a third of all Councillors will normally be held on the first Thursday in May in each year beginning in 2020 except that in 2023 and every fourth year after there will be no regular election.

2.2.2 The terms of office of Councillors will, after the 2019 elections be 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 Roles and functions of all Councillors

Key roles

All Councillors will:

2.3.1 collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;

2.3.2 represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities;

2.3.3 deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;

2.3.4 balance different interests identified within the Ward and represent the Ward as a whole;

2.3.5 be involved in decision-making;

2.3.6 be available to represent the Council on other bodies;

2.3.7 maintain the highest standards of conduct and ethics; and

2.3.8 have regard to the duties and responsibilities set out in role descriptions approved by the Council.

Rights and Duties

2.3.9 Councillors will have 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.

2.3.10 Councillors will not divulge confidential or exempt information without the consent of the Council, or divulge information given in confidence to anyone other than a Councillor or Officer entitled to know it.

2.3.11 For these purposes, “confidential” and “exempt” information is defined in Procedure Rule 1 – Access to Information, in Part 4 of this Constitution.

2.4 Conduct

2.4.1 Councillors will at all times observe the Members’ Code of Conduct and other agreed protocols and procedures

2.5 Members’ Allowances

2.5.1 Councillors will be entitled to receive allowances in accordance with the Members’ Allowances Scheme

Article 3 – Citizens and the Council

3.1 Citizens' Rights

Citizens have the following rights. Their rights to information and to participate are explained in more detail in Procedure Rule 1 – Access to Information, in Part 4 of this Constitution:

Voting and Petitions

Citizens on the electoral register for the area have the right to:

- 3.1.1 vote in elections where eligible;
- 3.1.2 sign a petition to request a referendum for an elected Mayor form of executive arrangements;
- 3.1.3 sign a petition to request a Community Governance Review;
- 3.1.4 submit petitions in accordance with the Council's Petition Scheme.

Information

Citizens have the rights to:

- 3.1.5 access a copy of this constitution from the Council's website;
- 3.1.6 attend meetings of the Council (and its Committees and Sub-Committees) and the Executive (including meetings of a sub committee, individual Member or Officer where Key Decisions are taken) except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- 3.1.7 find out from the 28 Day Notice of Key Decisions what business will be considered by the Leader, Executive or its Sub Committees, Portfolio Holders or Officers and when;
- 3.1.8 see reports and background papers, and any records of decisions in accordance with the Council's Access to Information Procedure Rules;
- 3.1.9 inspect the Council's accounts and make their views known to the external auditor.

Participation

Citizens have the right to:

- 3.1.10 Contact their local councillor about any matters of concern to them;
- 3.1.11 ask a question at a meeting of the Council;
- 3.1.12 establish or sign a petition in accordance with the Council's Petition Scheme;
- 3.1.13 speak at meetings of the Planning Committee in accordance with the Committee's protocol on public speaking at Planning Committee; and

Article 3 – Citizens and the Council

3.1.14 subject to invitation by the Committee, a Panel or the Chairman, to contribute to investigations by the Overview and Scrutiny Committee and its Panels.

Complaints

Citizens have the right to complain to:

3.1.15 the Council under its Complaints Procedure;

3.1.16 the Ombudsman, normally after using the Council's own Complaints Procedure;

3.1.17 the Council's Monitoring Officer about a breach of the Councillors' Code of Conduct.

Article 4 – The Council

4.1 Meanings

Policy Framework

4.1.1 The policy framework includes the following plans and strategies:

- i. Corporate Plan
- ii. Development Management Documents prepared in accordance with the Planning and Compulsory Purchase Act 2004 (or as subsequently amended)
- iii. Licensing Authority Policy Statement
- iv. Crime and Disorder Reduction Strategy
- v. Annual Treasury Management Strategy
- vi. Financial Strategy (Medium Term Financial Plan, Revenue Budget, Council Tax Setting and Capital Programme)
- vii. Capital Investment Strategy

Budget

4.1.2 The budget includes the allocation of financial resources to different services and projects, centrally held funds, determining the Council Tax base, setting the Council Tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

Functions of the full Council

The Council will exercise the following functions unless otherwise stipulated in the Responsibility for Functions or the Scheme of Delegation in Part 3 of this Constitution:

4.2.1 adoption and alteration of the Constitution apart from where legislation overrides an existing provision or changes to the Scheme of Delegation in relation to Executive functions;

4.2.2 approval or adoption of the policy framework and the budget (both revenue and capital programme);

4.2.3 election of the Mayor and Deputy Mayor;

4.2.4 appointment and removal of the Leader of the Council;

4.2.5 approval and/or amendment of Committee responsibilities;

4.2.6 determination of the allocation of seats on Committees and the appointment of Members to Committees;

4.2.7 approval of the annual General Fund Budget and determination of the Council Tax;

4.2.8 adoption of the Members' Code of Conduct and Allowance Scheme;

4.2.9 approval and amendment of the Petition Scheme;

Article 4 – The Council

4.2.10 appointment of Managing Director and designation of statutory Officers;

4.2.11 changing the name of the area, granting the Freedom of the Borough and conferring the title of Honorary Alderman;

4.2.12 electoral matters including functions relating to community governance;

4.2.13 making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;

4.2.14 all local choice functions set out in Table 1 (Responsibility for Local Choice Functions) of Part 3a of this Constitution which the Council decides should be undertaken by itself; and

4.2.15 all other matters which, by law, must be reserved to Council.

4.3 Council Meetings

4.3.1 There are three types of Council meeting:

- i. The annual meeting;
- ii. Ordinary meetings; and
- iii. Extraordinary meetings;

4.3.2 and they will be conducted in accordance with Procedure Rule 2 – Council, in Part 4 of this Constitution.

4.4 Responsibility for functions

4.4.1 The Council will maintain the Tables in Part 3a of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Leader of the Council.

4.5 Urgent Decision Making

4.5.1 In the event that any matters arise in circumstances rendering it impossible for the Leader/Executive or Council to give instructions within sufficient time in the normal conduct of their business for such matters to be properly dealt with, the Managing Director (or in their absence a nominated deputy) shall have delegated authority to take or authorise all necessary steps to deal with the matters sufficiently to protect the Council's and the public's interests, provided that he or she complies with legislative requirements for determining Key Decisions and shall, before taking action, consult:

- i. The Chief Finance Officer and Monitoring Officer (or their deputies); and
- ii. In respect of Executive functions, either the Leader (or in his/her absence the Deputy Leader or his/her absence another Executive Member); or
- iii. In respect of non-Executive functions, the Mayor (or in his/her absence the Deputy Mayor or in his/her absence the Chairman of the relevant committee).

4.6 Reporting Urgent Decisions

4.6.1 Any decisions taken in accordance with Article 4.5 will be reported to the next meeting of Council in order to fulfil the legal requirements associated with determining and publicising Key Decisions.

Article 5 – Chairing the Council

5.1 Role and Function of the Mayor

5.1.1 The Mayor and Deputy Mayor will be elected by the Council annually.

The Mayor, and in his/her absence the Deputy Mayor, will have the following responsibilities:

5.1.2 to uphold and promote the purposes of the Constitution and to interpret the Constitution when necessary;

5.1.3 to preside over 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;

5.1.4 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 Councillors who are not on the Executive or who do not hold a committee Chairmanship are able to hold the Executive and Committee Chairmen to account;

5.1.5 to promote public involvement in the Council's activities;

5.1.6 to be the conscience of the Council; and

5.1.7 to attend such civic and ceremonial functions as the Council and he/she determines appropriate following receipt of advice from the Managing Director.

This page is intentionally left blank

Article 6 – The Leader and Deputy Leader of the Council

6.1 Appointment and Term of Office

6.1.1 The Leader will hold office for a four year period starting on the day of his/her election as Leader at the Annual Council meeting, unless his/her term of office as a Councillor is shorter, in which case the term of office as Leader will be the same as their term of office as a Councillor.

6.1.2 The Leader's period of office will cease at an earlier date if:

- i. He/she resigns from the office; or
- ii. He/she is no longer a councillor; or
- iii. He/she is removed from office by resolution of the Council.

6.2 Vacancy

6.2.1 If there is a vacancy in the position of Leader, the Council will elect a Leader at the first meeting following such vacancy.

6.2.2 The Leader will be elected for a term of office of four years starting on the day of his/her election as Leader, unless his/her term of office as a Councillor is shorter, in which case the term of officer as Leader will be the same as their term of office as a Councillor.

6.3 Functions of the Leader

6.3.1 The Leader will be responsible for 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, unless otherwise delegated by him/her.

6.3.2 The Leader shall be responsible for producing and maintaining Table 3 (Responsibility for Executive Functions) of Part 3a of this Constitution setting out who will exercise Executive functions. Executive functions can be exercised by the Leader, Executive, individual Executive Members, sub-committees of the Executive, individual local Members or Officers.

6.3.3 Only the Leader will exercise the following functions:

- i. Appointment of the Deputy Leader;
- ii. Appointment of the Executive; and
- iii. Allocation of portfolio responsibilities

6.3.4 The Leader will chair any meetings of the Executive.

6.4 Deputy Leader

6.4.1 The Deputy Leader will be a councillor appointment to the position by the Leader

6.4.2 the Deputy Leader will hold office until the end of the term of office of the Leader, or until:

- i. He/she is removed from office by decision of the Leader; or

Article 6 – The Leader and Deputy Leader of the Council

- ii. He/she resigns from the office; or
- iii. He/she is no longer a councillor

6.5 Role of the Deputy Leader

6.5.1 If for any reason the Leader is unable to act, or the office of the Leader is vacant, the Deputy Leader must act and exercise all functions reserved to the Leader in his/her absence.

6.5.2 If for any reason the Leader and Deputy Leader are unable to act, or the officers are vacant, the remaining Members of the Executive may act collectively or appoint an interim Leader.

Article 7 – The Executive

7.1 Role

7.1.1 The executive will carry out all of the Council's functions which are not the responsibility of any other part of the Council, as delegated by the Leader.

7.2 Form and Composition

7.2.1 The Executive will consist of the Leader and Deputy Leader together with at least 1, but not more than 8, other Councillors appointed by the Leader.

7.3 Executive Members

7.3.1 Executive Members shall be appointment by the Leader. Their term of office (as an Executive Member) will be the same as for the Leader unless:

- i. He/she resigns from office; or
- ii. He/she is no longer a Councillor; or
- iii. He/she is removed from office, either individually or collectively, by decision of the Leader.

7.4 Proceedings

7.4.1 Proceedings of the Executive, including that of any of its sub committees, shall take place in accordance with Procedure Rule 3 – Executive Functions, in Part 4 of this Constitution.

This page is intentionally left blank

Article 8 – Overview and Scrutiny Arrangements

8.1 Structure

8.1.1 The Council will ensure appropriate Overview and Scrutiny arrangements are in place to discharge the functions conferred by Section 21 of the Local Government Act 2000 and any other subsequent legislation.

8.1.2 The Council has one Overview and Scrutiny Committee

8.1.3 The Committee may appoint ad hoc Panels for specific tasks, on completion of which they cease to exist.

8.2 Role and Function

8.2.1 The Role and functions of the Committee are set out in Table 2 (Responsibility for Council Functions) of Part 3a of this Constitution

8.3 Proceedings

8.3.1 Overview and Scrutiny Committee proceedings will be conducted in accordance with Procedure Rule 5 – Overview and Scrutiny, and Procedure Rule 4 – Committees and Sub-Committees, in Part 4 of this Constitution.

This page is intentionally left blank

Article 9 – Licensing and Regulatory and other Committees

9.1 Appointment, role and function

9.1.1 The Council will appoint Committees to discharge functions, as set out in Table 2 (Responsibility for Council Functions) of Part 3a of this Constitution.

9.2 Proceedings

9.2.1 Licensing and Regulatory and other Committee proceedings will be conducted in accordance with Procedure Rule 4 – Committees and Sub-Committees, in Part 4 of this Constitution.

9.2.2 Committees may adopt protocols under their Procedure Rules to give further guidance on any aspect of the conduct of the business of the Committee.

This page is intentionally left blank

Article 10 – The Standards Committee

10.1 Standards Committee

10.1.1 The Council will establish a Standards Committee

10.2 Role and Function

10.2.1 The role and functions of the Committee are set out in Table 2 (Responsibility for Council Functions) of Part 3a of this Constitution

10.3 Composition

Membership

10.3.1 The Standards Committee will comprise:

- i. Five members of the Authority;
- ii. One representative of the Town and Parish Councils.

Parish Members

10.3.3 The Parish representative will not be entitled to vote at meetings.

This page is intentionally left blank

Article 11 – Area Committees

11.1 Area Committees

11.1.1 The Council may appoint Area Committees if it is satisfied that to do so will ensure improved service delivery in the context of best value and more efficient, transparent and accountable decision making.

11.1.2 The Council will consult with relevant Parish and Town Councils when considering whether and how to establish Area Committees.

This page is intentionally left blank

Article 12 – Joint Arrangements

12.1 Arrangements to Promote Well Being

The Council or the Leader (if it is an Executive Function), in order to promote the economic, social or environmental wellbeing of the Borough, may:

12.1.1 enter into arrangements or agreements with any person or body;

12.1.2 co-operate with, or facilitate or co-ordinate the activities of, any person or body; and

12.1.3 exercise on behalf of that person or body any functions of that person or body.

12.2 Joint Arrangements

12.2.1 Details of any joint arrangements including any delegations to Joint Committees will be set out in Table 3 (Responsibility for Executive Functions) of Part 3a of this Constitution.

Non-Executive Functions

12.2.2 The Council may establish joint arrangements with one or more Local Authorities to exercise functions that not executive functions in any of the participating authorities, or advise the Council.

12.2.3 Such arrangements may involve the appointment of a Joint Committee with these other local authorities.

Executive Functions

12.2.4 The Leader may establish joint arrangements with one or more local authorities to exercise functions that are executive functions

12.2.5 Such arrangements may involve the appointment of Joint Committees with these other local authorities

12.2.6 If the functions to be discharged involve Key Decisions that legal requirements associated with determining and publicising Key Decisions will apply.

12.2.7 Except as set out below, the Leader may only appoint Executive Members to a Joint Committee and those Members need not reflect the political composition of the local authority as a whole.

12.2. 8 The leader may appoint Members to a Joint Committee from outside the Executive in the following circumstances:

- i. The Joint Committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the Leader may appoint to the joint Committee any Councillor who is a Member for a Ward which is wholly or partly contained within the area;
- ii. The Joint Committee is between Surrey County Council and Reigate and Banstead Borough Council and relates to functions of the Leader of Surrey County Council. In such

cases, the Leader of the County Council may appoint to the Joint Committee any Councillor who is a Member for an electoral division which is wholly or partly contained within the area.

12.2.9 In both cases (i) and (ii) the political balance requirements do not apply to such appointments.

12.3 Access to Information

12.3.1 Procedure Rule 1 – Access to Information, in Part 4 of this Constitution, applies.

12.3.2 If all the Members of a Joint Committee are Members of the Executive in each of the participating authorities then its access to information regime will be the same as that applied to the Executive.

12.3.3 If the Joint Committee contains Members who are not on the Executive of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

12.4 Delegation to and from other Local Authorities

12.4.1 The Council may delegate non-Executive and/or local choice functions to another local authority or, in certain circumstances, the Leader of another local authority

12.4.2 The Leader may delegate Executive functions to another local authority or the Executive of another local authority in certain circumstances.

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

12.5 Contracting Out

12.5.1 The Council (for functions which are not Executive functions) and the Leader (for Executive functions) may contract out to another body or organisation 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, 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 13 – Officers

13.1 Management Structure

General

13.1.1 The Council may engage such staff (referred to as Officers) as it considers necessary to carry out its functions

Managing Director (Head of Paid Service), Monitoring Officer and Chief Finance Officer

13.1.2 The Council will designate the following statutory posts as shown:

- i. Managing Director (Head of Paid Service) (under Section 4 of the Local Government and Housing Act 1989)
- ii. Chief Finance Officer (under Section 151 of the Local Government Act 1972)
- iii. Monitoring Officer (under Section 5 of the Local Government and Housing Act 1989)

13.1.3 Such posts will have the functions described in Articles 13.2 – 13.4 below.

Structure

13.1.4 The Managing Director will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of Officers.

13.2 Functions of the Managing Director

Discharge of Functions by the Council

13.2.1 The Managing Director will be responsible for 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.

Restrictions on Functions

13.2.2 The Managing Director may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

13.3 Functions of the Monitoring Officer

Maintaining the Constitution

13.3.1 The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is available to Members, staff and the public

Ensuring Lawfulness and Fairness of Decision Making

13.3.2 After consulting with the Managing Director and Chief Finance Officer, the Monitoring Officer will report to the full Council (or to the Executive decision maker in relation to an Executive function) if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any

decision or omission has given to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

Supporting the Standards Committee

13.3.3 The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.

Conducting Investigations on Alleged Breaches of the Member Code of Conduct

13.3.4 The Monitoring Officer will conduct investigations in accordance with the adopted arrangements and make reports in respect of them as appropriate to the Standards Committee.

Proper Officer for Access to Information

13.3.5 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.

Advising whether Executive Decisions are within the Policy Framework and Budget

13.3.6 The Monitoring Officer after consultation with the Chief Finance Officer, as appropriate, will advise whether Executive decisions are in accordance with the budget and policy framework.

Providing Advice

13.3.7 The Monitoring 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.

Restrictions on Posts

13.3.8 The Monitoring Officer cannot be the Chief Finance Officer or the Managing Director

Complaints

13.3.9 The Monitoring Officer will act as the Corporate Complaints Officer

Deputy Monitoring Officers

13.3.10 The Monitoring Officer may appoint one or more Deputies to undertake their responsibilities in his/her absence,

13.4 Functions of the Chief Finance Officer

Ensuring Lawfulness and Financial Prudence of Decision Making

13.4.1 After consulting with the Managing Director and the Monitoring Officer, the Chief Finance Officer will report to the full Council (or to the Leader 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.

Administration of Financial Affairs

13.4.2 The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.

Providing Advice

13.4.3 The Chief Finance Officer, in consultation with the Monitoring Officer, as appropriate, 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.

Provision of Financial Information

13.4.4 The Chief Finance Officer will provide financial information to the media, members of the public and community.

Deputy Chief Finance Officer

13.4.5 The Chief Finance Officer may appoint one or more Deputies to undertake their responsibilities in his/her absence

13.5 Duty to Provide Sufficient Resources to the Monitoring Officer and Chief Finance Officer

13.5.1 The Council will 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.

13.6 Conduct

13.6.1 Officers will comply with the contract of employment, associated employment policies and Protocol 1 – Officer/Member Relations, adopted by the Council

13.7 Employment

13.7.1 The recruitment, selection and dismissal of Officers will comply with the Procedure Rule 9 – Officer Employment, set out in Part 4 of this Constitution.

This page is intentionally left blank

Article 14 – Decision making

14.1 Responsibility for Decision Making

14.1.1 The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or function. This record is set out in Part 3a of this Constitution.

14.2 Principles of Decision making

All decisions of the Council will be made in accordance with the following principles:

14.2.1 proportionality (i.e. the action must be proportionate to the desired outcome);

14.2.2 due consultation and the taking of professional advice from the Monitoring Officer and other Officers;

14.2.3 respect for human rights (see Article 14.5);

14.2.4 a presumption in favour of openness; and

14.2.5 clarity of aims and desired outcomes.

14.3 Types of Decision

Decisions Reserved to Full Council

14.3.1 Decisions relating to the functions listed in Article 4.2 will be made by the Council unless otherwise stipulated in the Responsibility for Functions or the Scheme of Delegation in Part 3 of this Constitution.

Key Decisions

14.3.2 A Key Decision is a decision made or to be made in connection with the discharge of a function which is the responsibility of the Leader under the terms of the Council's Constitution, which is likely to:

- i. Result in the Council incurring expenditure which is, or the making of savings which are, significant, having regard to the Council's budget for the service or function to which the decision relates; or
- ii. Be significant in terms of its effects on communities living or working in an area comprising two or more Wards in the Council's area;

14.3.3 and, without prejudice to the generality of the foregoing, in determining whether resulting expenditure, savings or effects of a decision are significant, regard shall be had to the following principles:

- i. Expenditure under a contract of a value (determined in accordance with Procedure Rule 8 – Contract) of more than £250,000 should be regarded as significant;
- ii. The making of savings in the costs of the provision of a service representing 10% of the budget allocated to that particular service is to be regarded as significant

- iii. Major land disposals and acquisitions of a value of more than £250,000, to which Contract Procedure Rules apply, are significant;
- iv. Decisions involving the compulsory acquisition of any land should be treated as Key Decisions;
- v. Decisions involving the recommendation to the Full Council of changes to the Budget and Policy Frameworks are to be regarded as Key Decisions; and
- vi. Decisions resulting in a major impact on a locality in the Council's area shall be treated as significant, even though they affect only one Ward.

14.3.4 A decision maker may only make a Key Decision in accordance with the requirements of Procedure Rule 3 – Executive Functions and Procedure Rule 1 – Access to Information, set out in Part 4 of this Constitution, and the legislative requirements regarding Key Decisions.

14.4 Decision Making

14.4.1 All decision making shall comply with the relevant Articles and Procedure Rules set out in the Constitution.

14.5 Decision Making by Council Bodies Acting as Tribunals

14.5.1 The Council, a Councillor or an Officer acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

Article 15 – Review and Revision of the Constitution

15.1 Review of the Constitution

15.1.1 The Council will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

To assist with undertaking this task the Monitoring Officer may:

15.1.2 observe meetings of different parts of the Member and Officer structure

15.1.3 undertake an audit trail of a sample of decisions;

15.1.4 record and analyse issues raised with him/her by Members, Officers, the public and other relevant stakeholders; and

15.1.5 compare practices in the Authority with those in other comparable authorities, or national examples of best practice

15.2 Changes to the Constitution – Approval

15.2.1 Except as provided by Article 4.2, changes to the Constitution will only be approved by the full Council (by way of recommendation or direct report), subject to the Monitoring Officer being in agreement with the proposed changes.

This page is intentionally left blank

Article 16 – Suspension, Interpretation and Publication of the Constitution

16.1 Suspension of the Constitution

Limit to Suspension

16.1.1 The Articles of this Constitution may not be suspended

16.1.2 Procedure Rules may be suspended by the full Council to the extent permitted within those Rules and the law. Procedure Rules relating to the Executive and Committees may be suspended by the Executive or the Committee as the case may be to the extent permitted within those rules and the law.

Procedure to Suspend

16.1.3 A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of Councillors is present.

16.1.4 The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

16.2 Interpretation

16.2.1 The Ruling of the Mayor as to 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. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

16.3 Publication

16.3.1 The Proper Officer will ensure that the Constitution is available on the Mod Gov library, electronically available for inspection at Council Offices, and accessible on the Council's website.

This page is intentionally left blank

Schedule 1: Description of Executive Arrangements

The following parts of this Constitution constitute the Executive arrangements:

- i. Article 6 – The Leader and Deputy Leader of the Council;
- ii. Article 7 – The Executive, and Procedure Rule 3 – Executive Functions;
- iii. Article 8 – Overview and Scrutiny Arrangement, and Procedure Rule 5 – Overview and Scrutiny;
- iv. Article 14 – Decision Making, and Procedure Rule 1 – Access to Information; and
- v. Part 3a (Responsibility for Functions)

This page is intentionally left blank

Part 3a: Responsibility for Functions

Table 1 – Responsibility for Local Choice Functions

Function	Decision Making Body	Membership	Delegation of Functions
1. Discharge any function under a Local Act other than a function specified or referred to in regulation 2 or schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000	Leader	N/A	See Officer Scheme of Delegation and Leader's Scheme of Delegation
2. Determine an appeal against any decision made by or on behalf of the authority	a. Licensing and Regulatory Committee b. Employment Committee	a. 15 members b. 5 members at least one of which must be an Executive Member	“
3. Discharge any function relating to contaminated land	Leader	N/A	“
4. Discharge any function relating to the control of pollution or the management of air quality	Leader	N/A	“
5. Serve an abatement notice in respect of a statutory nuisance	Licensing and Regulatory Committee	15 Member	“
6. Pass a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area	Licensing and Regulatory Committee	15 Members	“
7. Inspect the authority's area to detect any statutory nuisance	Licensing and Regulatory Committee	15 Members	“

Responsibility for Local Choice Function

8. Investigate any complaint as to the existence of a statutory nuisance	Licensing and Regulatory Committee	15 Members	“
9. Obtain information under section 330 of the Town and Country Planning Act 1990(a) as to interests in land	Planning Committee	19 Members	“
10. Obtain particulars of persons interested in land under section 16 of the Local Government (miscellaneous Provisions) Act 1976(b)	Council	45 Members	“
11. Appoint any individual: a. To any office other than an office in which he is employed by the authority; b. To any body other than – i. The authority; ii. A joint committee of two or more authorities; or c. To any committee or sub-committee of such a body, and the revocation of any such appointment.	Leader subject to the following exceptions: a. Independent persons (standard committee)	N/A	“
12. Make arrangements with other Local Authorities for the placing of staff at the disposal of those other Authorities	Leader subject to the following exceptions: a. Independent Persons (standards committee)	N/A	“
13. Approve Statement of Accounts	Executive	Leader, Deputy Leader, and between 1 and 8 other Executive Members	N/A

Table 2 – Responsibility for Council Functions

Committee	Membership	Function	Delegation of Functions
<p>Audit</p>	<p>5 Members of the Authority</p> <p>Plus one Independent Member</p>	<p>Our Audit Committee is a key component of Reigate and Banstead Borough Council’s corporate governance arrangements. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards. The purpose of the audit committee is to provide independent assurance to the Council of the adequacy of the risk management framework and the internal control environment. It provides independent review of Reigate and Banstead Borough Council’s governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective independent assurance arrangements are in place.</p> <p>Internal Audit and Governance Responsibilities:</p> <ol style="list-style-type: none"> 1. Approve the Council’s internal audit charter 2. Approve (but not direct) the Council’s annual internal audit plan 3. Receive quarterly reports to review progress in relation to the delivery of the risk-based audit plan. Seek assurance that appropriate action has been taken where necessary and give consideration to agreed management actions that have not been implemented within a reasonable timescale. 4. To approve significant interim changes to the risk-based internal audit plan 5. To consider the annual report and opinion of the Chief Internal Auditor 6. Consider the Council’s corporate systems and control, compliance with legislation and control procedures 7. To be satisfied that the authority’s assurance statement, including the annual governance statement, properly reflects the risk environment and any actions required to improve it. 8. To confirm, as necessary, and monitor compliance with the Code of Corporate Governance at least annually and advise the Council or the Leader/Executive, as appropriate, on any matters it wishes to draw to their attention 	<p>Officer Delegation – see Schedule</p>

		<p>9. To receive any reports received by the internal audit service provider of an external assessment as a provider that is required under the Public Sector Internal Audit Standards (PSIAS)</p> <p>10. To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.</p> <p>Statement of Accounts and External Audit Responsibilities:</p> <p>11. To approve appointment of the Council's external auditor, as recommended by Public Sector Audit Appointments</p> <p>12. To approve the annual audit plan from the external auditor</p> <p>13. To review and approve the financial statements, external auditor's opinion and reports to members, and monitor management action in response to the issues raised by external audit.</p> <p>Risk Management Responsibilities:</p> <p>14. To oversee and review any issue referred to it by the Managing Director or a Director, or any Council body against the Council's strategy towards Risk Management, Anti-Fraud and Whistleblowing Strategies, Health and Safety policies and practice and all other published standards and controls.</p> <p>15. Consider the effectiveness of the authority's risk management</p> <p>16. Monitor the effective development and operation of risk management in the council</p> <p>Reporting</p> <p>17. To submit an annual report on Audit Committee activities to the Council.</p>	
--	--	--	--

Committee	Membership	Function	Delegation of Functions
Planning	<p>15 Members of the Authority (excluding 1) The Leader of the Council; 2). The Executive Member with responsibility for Planning Policy; and, 3). Executive Members appointed to any committee, sub-committee, or position with responsibility either: a. To consider and take decisions with regard to the potential establishment of commercial ventures and the undertaking of other investment activities by the Council; or, b. To exercise the function of the Council as a shareholder or partner, in relation to companies, partnerships or other commercial entities owned or part owned by the Council.).</p> <p>Membership should be</p>	<ol style="list-style-type: none"> 1. All functions of the Council as Local Planning Authority under the Town and Country Planning Acts and ancillary or other legislation including: <ol style="list-style-type: none"> a. Planning applications including applications for CLEUD or CLOPUD b. Enforcement action c. Planning agreements d. Advertisement control e. All matters relating to Conservation Areas and listed Buildings f. Minerals extraction and waste disposal proposals g. Tree preservation h. Reference from statutory undertakers i. Development proposals submitted on behalf of the County Council, Borough Council or any other statutory Authority or Government Department j. Control of the erection and demolition of buildings and structures and the use of land, building or structures k. Issue of certificates of appropriate alternative development l. Authorisation of entry on land m. Requiring discontinuance 2. All matters relating to building control functions including the relaxation and breaches of building regulations 3. Advice to the Executive on the preparation, update and monitoring of the Local Plan and the development control guidance 4. Any other matter arising from or relating to planning legislation <p>(Note: In relation to the above Terms of Reference, Members' attention is drawn to Procedure Rule 4.21.1 which states that a Committee may agree detailed operational protocols such as for public speaking arrangements)</p>	<p>Officer Delegation – see Schedule</p>

	broadly representative of the geographic coverage of the Borough.		
--	---	--	--

Committee	Membership	Function	Delegation of Functions
Licensing and Regulatory	12 Members of the Authority	<ol style="list-style-type: none"> 1. All functions of the Council in relation to licensing and regulation including: <ol style="list-style-type: none"> a. Public entertainments b. Cinemas and theatres c. Sex establishments d. Hackney carriage and private hire e. Animal welfare f. Food preparation g. Betting, gaming, and lotteries h. Street & house to house collections i. Markets and street trading j. Takeaway food shops k. Caravan and camping sites l. Health and safety (otherwise than in the Council's capacity as employer) m. Scrap metal and motor salvage registration process n. Any other licensing/regulatory or individual applications for service not within the remit of another Committee 2. Application for registration of Small society lotteries (where the authority is minded to refuse and the applicant wishes to make representations) 3. Revocation of Small society lotteries (where the applicant has made representations) 4. Applications under schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended 5. Review of premises licence (in all cases) <p>In relation to the Licensing Act 2003:</p> <ol style="list-style-type: none"> 6. All functions of the Council unless specifically excluded by legislation. The following be delegated to the Licensing and Regulatory Sub Committee (with concurrent powers being retained by the parent Committee) 7. Applications for or review of licenses provided under paragraphs 1 – 5 above. 	Officer Delegation – See Schedule

Committee	Membership	Function	Delegation of Functions
Licensing and Regulatory Sub-Committees	3 Members of the Authority	<ol style="list-style-type: none"> 1. Application for premises licence/club premises certificate (if a representation made) 2. Application for provisional statement (if a representation made) 3. Application to vary premises licence/club registration Certificate (if a representation made) 4. Application to vary designated premises supervisor (if a police representation) 5. Application for transfer of premises (if a policy representation) 6. Application for Interim Authorities (if a police representation) 7. Application to review premises licence/club premises certificate (all cases) 8. Decision to object when local authority is a consultee and not the relevant Authority considering the application (all cases) 9. Determination of a police representation to a temporary event notices (all cases) <p>In relation to the Gambling Act 2005:</p> <ol style="list-style-type: none"> 10. Application for Premises licences (where representations have been received and not withdrawn) 11. Application for a variation to a licence (where representations have been received and not withdrawn) 12. Application for a transfer of a licence (where representations have been received from the Gambling Commission) 13. Application for a Provisional Statement (where representations have been received and not withdrawn) 14. Application for club gaming/club machine permits (where objections have been made and not withdrawn) 15. Cancellation of club gaming/club machine permits (in all cases) 16. Refusal of club gaming/club machine permits (unless the applicant/objectors agree that a hearing can be dispensed with) 17. Application for licensed premises gaming machine permits (where Officers have notified the applicant of their intentions to refuse and the applicant has made representations) 18. Applications for other permits (where officers have notified the applicant of their intentions to 	

		<p>refuse and the applicant has made representations)</p> <p>19. Grant or vary a licensed premises gaming machine permit for either a smaller number of machines specified in the application, and/or different category of machine than specified in the application (where the applicant has made representations)</p> <p>20. Cancellation of licensed premises gaming machine permits (where representations have been received and not withdrawn)</p> <p>21. Make an Order disapplying exempt gaming provisions and/or removal of automatic entitlement to make available two (Category C or D) gaming machines for specified alcohol licensed premises (where the applicant has requested a hearing)</p> <p>22. Consideration of temporary use notice (where objections have been made and not withdrawn)</p> <p>23. Decision to give a counter notice to a temporary use notice (in all cases)</p> <p>In relation to the Licensing Act 2003:</p> <p>24. Applications for 'off' sales reviews a authorised by amendments to the Licensing Act 2003 by the Business and Planning Act 2020</p>	
--	--	--	--

Committee	Membership	Function	Delegation of Functions
Overview and Scrutiny	15 Members of the Authority	<p>Scrutiny</p> <ol style="list-style-type: none"> 1. Review and scrutinise decisions made by, and the performance of the Leader / Executive Decision maker, Committees and Council Officers excluding decisions on individual applications/cases 2. Review and scrutinise the performance of the Council in relation to its policy objectives, performance targets or particular service areas 3. Make recommendations to the Leader / Executive decision maker, Committees or the Council arising from the outcome of the scrutiny process 4. Review and scrutinise the performance of other public bodies <p>Policy Review and Development:</p> <ol style="list-style-type: none"> 5. Assist the Council (and the Executive) in the development of its budget and policy framework 6. Conduct research, community and other consultation on policy issues and possible options <p>In relation to 5 and 6 above:</p> <ol style="list-style-type: none"> 7. Question the Leader / Executive decision maker, Committees, Chief Officers or Service Managers 8. Liaise as necessary with external organisations 9. Question and obtain confirmation/advice from any other person/organisation <p>Budget/Resources</p> <ol style="list-style-type: none"> 10. Exercise responsibility for resources allocated to support the work of the Committee <p>Treasury Management Responsibilities:</p> <ol style="list-style-type: none"> 11. Ensure effective scrutiny of the treasury management strategy and procedures. 	N/A

		<p>Crime and Disorder</p> <p>That for the purposes of the Policy and Justice Act 2006 that the Overview and Scrutiny Committee be designated as the Crime and Disorder Committee with the following remit:</p> <ul style="list-style-type: none"> 12. Review or scrutinise decisions made, or action taken, in connection with the discharge by the responsibly authorities of their crime and disorder functions 13. Make reports or recommendations to the responsible authority(s) with respect to the discharge of those functions <p>Joint Scrutiny</p> <ul style="list-style-type: none"> 14. Carry out the scrutiny and reporting functions set out in the Local Government and Public Involvement in Health Act 2007 and the Local Authorities (Overview and Scrutiny Committees) (England) Regulations 2009 and any amendments made thereto, and in particular: 15. Scrutinise the improvement targets contained in the Surrey Local Area Agreement (SLAA) 16. Make reports or recommendations to the SLAA partners with respect to the matters that relate to a relevant SLAA target <p>Generally</p> <ul style="list-style-type: none"> 17. Report annually to the Council on the Committee’s work and (following consultation with the Executive) upon the future Work Programme for the Committee. 18. Appoint panels as necessary to carry out and report upon the work of the Committee 19. Consider any valid Councillor Call for Action 	
--	--	---	--

Committee	Membership	Function	Delegation of Functions
Standards	5 Members of the Authority together with the following non-voting co-opted member: One Representative of the Town and Parish Councils	<ol style="list-style-type: none"> 1. Promote and maintain high standards of conduct within the Council 2. Advise the Council on the adoption or revision of its Code of Conduct 3. Approve procedures and protocols associated with the Council's Standards Framework 4. Monitor the operation and effectiveness of the Code 5. Where appropriate, deal with allegations that a Member is in breach of the Code 6. Ensure that all Members receive training on the Code 7. Select for interview, interview and make recommendation to Full Council on the appointment of Independent Persons under the Standards Framework 8. Grant dispensations to members with disclosable pecuniary interests 9. Exercise all of the appropriate functions set out above in relation to Horley Town Council and Salfords and Sidlow Parish Council 10. Deal with any matter referred by the Monitoring Officer 	N/A

Committee	Membership	Function	Delegation of Functions
Employment	5 Members of the Authority (politically balanced – to include at least one Member of the Executive)	<ol style="list-style-type: none"> 1. Appointment/Dismissal & Disciplinary Action and appeals in accordance with Procedure Rule 9 – Officer Employment 2. Employee matters requiring approval by Members of falling outside the personnel policies and procedures 3. Oversight and engagement (with relevant Officers) in respect of the development of the Council’s Organisational Development Strategy – which includes the talent/attraction/development/retention strategy for staff and the Council’s Management Structure 4. Establishing a critical friend role in relation to ensuring the Council’s Organisational Development Strategy is on track and is fit for purpose. This should include consultation around the annual Service and Financial Planning process and Pay Policy Statement. <p>Note: The application of 2, 3, and 4 (above) should be detailed in an annual work programme to be agreed at the start of each Municipal Year by the Employment Committee.</p>	Officer Delegation – See Schedule

This page is intentionally left blank



Table 3 – Responsibility for Executive Functions

Responsible Party	Membership	Function	Onwards limits on delegations
Leader	N/A	1. Discharge all the functions of the Council except those which have been delegated to any other Committee or Sub-Committee, or those matters: <ul style="list-style-type: none"> a. Reserved for determination by the Council b. Required by statute to be determined by the Council c. Which the Managing Director, Monitoring Officer or Chief Finance Officer determine under their statutory roles should be considered by the Council 	For the Executive and individual Members – see Leader’s Scheme of Delegation as maintained and held by the Managing Director For Officers – see Officer Scheme of Delegation in Part 3b of the Constitution For Joint arrangements – see below

Responsible Party	Membership	Function	Onwards limits on delegations
<p>Partner, Shareholder and Trustee Executive Sub-Committee</p>	<p>Membership will comprise a minimum of 3 Members, appointed by the Leader of the Council, including the Leader, Deputy Leader, and Executive Members with responsibility for finance and investments. As a sub-committee of the Executive, there are no political balance requirements.</p> <p>Membership will be reviewed from time to time and any changes or further appointments required will be determined by the Leader of the Council.</p> <p>Only members of the Executive may sit and vote on the Sub-Committee. Substitutes may be permitted at the discretion of the Leader, and must also be members of the Executive.</p> <p>Additional Members may be invited to attend and speak at meetings of the sub-committee, where they can offer expertise and advice to support the work of the sub-committee.</p> <p>Chair</p> <p>A Chair shall be elected at the first meeting in any Municipal Year.</p> <p>Quorum</p>	<p>Purpose</p> <p>To consider and take decisions with regard to the potential establishment of commercial ventures and the undertaking of other investment activities by the Council.</p> <p>To exercise the function of the Council as a shareholder or partner, in relation to companies, partnerships or other commercial entities owned or part owned by the Council.</p> <p>To monitor and review the performance of commercial ventures undertaken by the Council, and to take decisions on the management of those commercial ventures.</p> <p>To monitor and review the performance of investment activities undertaken by the Council, and to take decisions on the management of those investments.</p> <p>Remit</p> <ol style="list-style-type: none"> To agree the incorporation and the proposal of winding up of companies, subject to relevant shareholder agreements, by the Council, to be conducted in accordance with the requirements of the Commercial Governance Framework, as set out in the terms of references of the Executive Sub-Committee. As identified in the framework, in consideration of these matters, the Executive Sub-Committee shall have regard to the 'Golden Rules' of the framework, and shall consider the requirements of the Initiation and Planning checklist on a comply or explain basis. To undertake all functions of the Council as a shareholder under the Companies Act 2006 in relation to companies owned and part owned by the Council, which may include without limitation: <ul style="list-style-type: none"> To determine Shareholder Agreements between the Council and 	

	<p>The quorum of the sub-committee will be not less than 3 (three) of the appointed members of the sub-committee.</p>	<p>the companies, including Business Plans.</p> <ul style="list-style-type: none"> • To appoint and dismiss directors of the companies (where power is reserved to the shareholder), including appointment and dismissal of non-executive directors. • To agree any Directors Service Agreements and associated remuneration • Appointment and removal of Company Secretaries and Auditors • To agree any resourcing agreements between the Council and companies for the use of Council staff and facilities and reimbursement for the same. • To agree any loan agreements or draw-down of Council financing (subject to funds being made available by Council) • To agree any reserved matters required by the Articles of Association or Shareholder Agreement • To agree the Articles of Association or any amendment thereof <p>All shareholder functions are to be undertaken in accordance with the Council's Commercial Governance Framework.</p> <p>3. To agree on behalf of the Council resourcing agreements for companies established by, and being established by, the Council to use Council staff and facilities in furtherance of their business.</p> <p>4. To agree write-off of debts owed by Companies established by the Council to the Council, in consultation with all Executive Members.</p> <p>5. To agree all matters in relation to the following, in line with the priorities in the Council's Capital Investment Strategy:</p> <ul style="list-style-type: none"> • Loan, Grant, Draw Down agreements with regard to commercial ventures established by, and being established by, the Council • Investment in properties • Other capital investments • Performance of investments 	
--	---	---	--

		<p>These matters to be agreed within limits approved by Executive and Full Council as appropriate.</p> <p>6. To monitor and review the performance of commercial ventures and other investments undertaken by the Council, and to manage those commercial ventures and investments in accordance with the Council's Commercial Governance Framework. As identified in the framework, performance of commercial ventures shall consider the requirements of the Execution and Closure checklist on a comply or explain basis.</p> <p>-</p>	
--	--	---	--

Responsible Party	Membership	Function	Onwards limits on delegations
Joint partnership Board for Building Control Executive October 2016	Tandridge District Council Mole Valley District Council Reigate & Banstead Borough Council	To oversee the functions of the Building Control Service.	
The Surrey Hills Board	Core Members (1 member from each): <ul style="list-style-type: none"> - Natural England - Guildford Borough Council - Mole Valley District Council - Reigate and Banstead Borough Council - Surrey County Council - Tandridge District Council - The National Trust - Waverly Borough Council Advisory Members: <ul style="list-style-type: none"> - Parish and Town Councils (2 members) - Up to 4 representatives from other governmental and voluntary agencies 	1. Exercise the Council's statutory powers to prepare and review the Surrey Hills Area of Outstanding Natural Beauty Management Plan	N/A

Surrey First Joint Committee	<p>One Member each representing:</p> <ul style="list-style-type: none"> - Each Surrey District - Surrey County Council - The Surrey Police Authority 	<ol style="list-style-type: none"> 1. Oversee joint working arrangements of the Authorities 2. Promote good working practices amongst the Authorities 3. Identify the range of services for inclusion in a Joint Venture Company (JVC) 4. Approve the draft Articles and Memorandum of Association of the JVC 5. Approve the draft revised Terms of Reference for the Joint Committee to provide for governance and oversight of the JVC 6. Manage the project budget 	
Police and Crime Panel (Joint Committee)	<p>One Member representing each Surrey District, the Surrey County Council and 2 Independent Members</p>	<ol style="list-style-type: none"> 1. Review the draft police and crime plan, or draft variation, given to the Panel by the Police and Crime Commissioner (PCC) and make a report and recommendations to the PCC, who must have regard to them 2. Review the PCC's annual report and ask questions, make reports and recommendations at a public meeting, which the PCC must attend 3. Review or scrutinise decisions made, or other action taken, by the PCC in connection with the discharge of the PCC's functions 4. Publish any reports or recommendations made to the PCC 5. Require the PCC and members of their staff to attend the Police & Crime Panel to answer questions 6. Hold a confirmation hearing to review, make a report, and recommendation in respect of certain senior appointments made by the PCC 7. Hold a confirmation hearing to review and make a report on the proposed appointment of the Chief Constable, with the power to veto the appointment by a 2/3 majority 	<p>N/A</p>

		<ol style="list-style-type: none"> 8. Hold a scrutiny hearing to review and report on the PCC's proposals to remove a Chief Constable 9. Review the PCC's level of precept, with the power to veto the precept by a 2/3 majority 10. Suspend the PCC on their being charged with certain criminal offences 11. Appoint an acting PCC where the elected PCC is incapacitated, resigns or is disqualified 12. Handle complaints about the conduct of the PCC and/or Deputy PCC and engage in informal resolution of such complaints, passing serious complaints to the Independent Police Complaints Commission (IPCC) as appropriate 13. Only exercise functions conferred by the Police Reform and Social Responsibility Act 2011 	
--	--	---	--

This page is intentionally left blank

Part 3b: Officer Scheme of Delegation

Section	Function
1	General
2	Finance
3	Land & Property
4	Environmental Health
5	Housing and other residential accommodation
6	Human Resources
7	Planning & Development
8	Street scene
9	Leisure, parks, and open spaces

General Principles

1. The authorised Officers, as defined in this Officer Scheme of Delegation (“the Scheme”), acting personally, shall only exercise the delegated powers referred to in the Scheme and also such powers as may be specifically authorised to a particular Officer from time to time.
2. The authorised Officers may authorise other officers to take decisions under the Scheme. Authorisations must be set out in writing and be signed and dated by the authorised officer. A copy of all authorisations should be sent to the Monitoring Officer and relevant Executive Member. Responsibility for decisions remains with the authorised officer, as set out in the Scheme.
3. The exercise of delegated powers shall be subject to compliance with statutory requirements, Procedure Rules and the Council’s policy and budget framework, as set out in the Constitution and in particular as described in the Scheme.
4. Where a post to which a function has been delegated is vacant, or where the post holder is absent (i.e. on annual or sickness leave), the Managing Director or in his absence the relevant Director shall designate another Officer to exercise the delegation, or the delegation shall be exercised by the Managing Director or Director, subject to compliance with Note 3 above.
5. Where reference is made to any Statute, Order, Regulation, Byelaw or other provision this Scheme shall be construed as relating to any modification, amendment, or re-enactment. Reference to any statute includes any Order, Regulations or Byelaw made under it and any Guidance or Codes of Practice in respect of it, as well as any new statutory provision related to that function, other than those where a specific delegation is required by Members.
6. For the avoidance of doubt, this means that where new legislative provisions are introduced for a delegated function, the relevant authorised Officer responsible for the function to which it relates will automatically be authorised to exercise any powers in that Act unless the legislation specifically reserves such actions to Members or requires their formal adoption by the Council.
7. The Officer initiating action is under a duty to consult with other Officers as appropriate, **and in particular the Chief Finance Officer and the Monitoring Officer.**
8. Unless otherwise stated the Officer exercising the delegated powers shall also be authorised as the “Proper Officer” for those powers in accordance with the relevant legislation.
9. Where two Officers are shown e/g/ “HOS/CFO” there is full delegation to the first named officer only but that delegated power shall only be exercisable after consultation with the second named officer.
10. Where delegations refer to finance or procurement, they should be read in conjunction with the appropriate Procedure Rules.

Part 3b – Officer Scheme of Delegation

11. Whilst general delegations have been authorised under the Finance and Contract Procedure Rules, these must be read in conjunction with and do not override any specific delegations granted under the following sections.
12. The Monitoring Officer shall determine any issues as to the form and manner of the Scheme's operation, implementation or interpretation, for example, where clarification is required as to which officers can exercise a delegation or which Executive Member(s) must be consulted, or referred to in paragraph 6 above.
13. Alterations, amendments and additions to the Scheme are approved in the following ways:
 - a. Non- Executive Functions – by full Council;
 - b. Executive Functions – by the Leader of the Council.

Where a delegation is listed as being both Executive and Non-Executive functions, advice should be sought from the Monitoring Officer regarding the individual circumstances.

14. In the event that a post ceases to exist or where responsibilities are transferred to another post holder, temporarily or permanently, then the powers given by this Scheme of Delegation will be exercisable by the Officer in whose area of responsibility the power falls to be exercised; or to the Managing Director.

Abbreviations

MD	Officer appointed as the Managing Director (Head of Paid Service) under Section 4 of the Local Government & Housing Act 1898
CFO	Officer appointed to discharge the Chief Finance Officer's duties under Section 151 of the Local Government Act 1972
MO	Officer appointed as the Council's Monitoring Officer under Section 5 of the Local Government & Housing Act 1898
D	Director of Service
HOS	Head of Service
ERO	Electoral Registration Officer
RO	Returning Officer
EM	Executive Member – a Member of the Executive to whom the Leader has allocated responsibility for a portfolio of services
Committee Chairman	The Member elected to act as Chairman of any of the Council's Committees
Technical Officer	Officer(s) with professional or technical expertise specifically appointed to act under defined legislation

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive/ Executive Function
1. GENERAL				
Legal				
<p>1.1 Authorise and institute legal proceedings (including the appointment of any Legal Assistants or Counsel) in respect of any Statute, Order, Regulation, Byelaw or other provisions of the common law, whereby the Council, or its Chief Officers has a right other than where specific authority has been given to another officer as set out in the scheme:</p> <p>(i) to take action in any Court, or before any Tribunal, Hearing or any Commission, or any Commissioners</p> <p>(ii) for the recovery or enforcement of any debt, penalty, or right to which the Council is believed to be entitled, including (without prejudice to the generality of the foregoing), any expenses incurred by the Council in carrying out works in default of compliance with any Notice or requirement of the Council</p> <p>(iii) to make application for, or to oppose or support any other person or body's application for any Licence, Justices Licence, Warrant, Order, Notices, or other legal./judicial applications</p>	<p>Local Government Act 1972</p> <p>Local Government Finance Act 1988 & 1992.</p> <p>Courts and Legal Services Act 1990</p> <p>And all other enabling legislation</p>	<p>HOS with responsibility for Legal</p>	<p>-</p>	<p>Non-Executive / Executive</p>

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive/ Executive Function
1.2 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 it is considered that such action is necessary to protect the Council's interests	Local Government Act 1972 And all other enabling legislation	HOS with responsibility for Legal	-	Non-Executive / Executive
1.3 Sign any document(s) necessary to any legal procedure or proceedings on behalf of the Council, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person	Local Government Act 1972 And all other enabling legislation	HOS with responsibility for Legal	-	Non-Executive / Executive
1.4 Seal any document with the Common Seal of the Council, where necessary to give effect to the decision	Local Government Act 1972 And all other enabling legislation	HOS with responsibility for Legal	-	Non-Executive / Executive
1.5 Give, make, publish or serve any Notices, Summonses or other documents in connection with proceedings, or arising out of any enactment the enforcement of which relates to the Council	Local Government Act 1972 Local Government Finance Act 1988 & 1992. Courts and Legal Services Act 1990 And all other enabling legislation	HOS with responsibility for Legal	-	Non-Executive / Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive/ Executive Function
1.6 Take any necessary steps in connection with the conduct of legal proceedings, or the defence of any proceedings, including the instruction of Counsel or expert witnesses and the preparation of any necessary documentation / evidence	Local Government Act 1972 Local Government Finance Act 1988 & 1992 Courts and Legal Services Act 1990 And all other enabling legislation	HOS with responsibility for Legal	-	Non-Executive / Executive
1.7 Subject to budget approval, carry out works in default of compliance with any Notice or requirement of the Council	Town and Country Planning legislation as above Highways legislation Building Control legislation	Relevant HOS	HOS with responsibility for Legal CFO	Non-Executive / Executive
1.8 Determination of the Council's Advocate, the Council's witness, the form of the Council's Pre-Inquiry Statement and the list of documents and venue for all public Inquiries and Hearings	Town and Country Planning legislation as above	HOS with responsibility for Legal	Appropriate HOS	Non-Executive / Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive/ Executive Function
1.9 Waive any solicitor and client privilege attaching to documents in the Council's possession in any case where a complaint is made to the Ombudsman	-	HOS in respect of which the complaint is made Note: such waiver only to be exercised with the agreement of the MO	MO agreement required	Non-Executive / Executive
1.10 To determine any issues as to the form and manner of the Officer Scheme's operation, implementation or interpretation, for example, where clarification is required as to which officers can exercise a delegation or which Executive Member(s) must be consulted, or referred to in paragraph 6 above under Notes (ref new legislative provisions).	Section 37 of the Local Government Act 2000 (as amended by the Localism Act 2011)	MO	-	Non-Executive / Executive
1.11 To make administrative and consequential amendments to the Constitution, arising from key principles and decisions taken by Council, to clarify points in the Constitution that do not change the key principles of its origin.	Section 37 of the Local Government Act 2000 (as amended by the Localism Act 2011)	MO	Group Leaders to be consulted on the proposed changes two weeks in advance of their publication for any comments	Non-Executive

<p>Appointments</p> <p>1.12 Appoint authorised Officers of the Council to undertake general powers of enforcement, to include but not limited to:</p> <ul style="list-style-type: none"> (i) enter any land or premises in connection with their statutory duties (ii) Take samples in connection with their statutory duties (iii) Carry out enforcement action in connection with their statutory duties (iv) Requiring information in connection with their statutory duties (v) Issue any Fixed Penalty Notices / Penalty Charge Notices that the Council has a statutory power, or is acting on behalf of the statutory agency, to issue 	<p>Town and Country Planning Act 1990</p> <p>Highways Act 1980</p> <p>Building Act 1984</p> <p>Public Health Act 1936</p> <p>Land Drainage Act 1976</p> <p>Environmental Protection Act 1990</p> <p>Dangerous Dogs Act 1991</p> <p>Dogs (Fouling of Land) Act 1996</p> <p>Clean Neighbourhood and Environment Act 2005</p> <p>And any other enabling legislation</p>	<p>Relevant Director</p> <p>HOS or other specifically designated and authorised Technical Officer.</p>	<p>HOS with responsibility for Legal</p>	<p>Non-Executive / Executive</p>
<p>1.13 Authorise and appoint appropriately qualified and competent persons:</p> <ul style="list-style-type: none"> (i) as Inspectors; or (ii) to accompany inspectors onto premises 	<p>Health and Safety at Work etc Act 1974</p>	<p>Relevant HOS or other specifically designated and authorised Technical Officer.</p>	<p>HOS with responsibility for Legal</p>	<p>Non-Executive / Executive</p>

1.14	Appoint representatives to outside bodies in cases where the nominations do not exceed the number of vacancies	Local Government Acts 1972, 2000	HOS with responsibility for Democratic Services	-	Executive
1.15	Appoint representatives to outside bodies in cases where the nominations do exceed the number of vacancies	Local Government Acts 1972, 2000	HOS with responsibility for Democratic Services	Relevant EM and respective Group Leaders	Executive
1.16	Confirm appointment of representatives to outside bodies in cases where the appointment has been subject to the election process	Local Government Acts 1972, 2000	HOS with responsibility for Democratic Services	Relevant EM and relevant Group Leader(s)	Executive
1.17	Authorise directed surveillance and use of covert human intelligence sources	Regulation of Investigatory Powers Act, 2000	Authorised Officers and Senior Responsible Officer	-	Non-Executive
1.18	Authorised to make all necessary arrangements with Public Sector Audit Appointments to secure the appointment of external auditors	Local Audit and Accountability Act 2014	CFO		Executive
Partnership					
1.19	Work in partnership with other local authorities, not-for-profit organisations and government agencies in relation to ad hoc initiatives subject to the Council or its residents benefiting and without additional costs falling to the Council	-	Relevant HOS	-	Non-Executive / Executive
1.20	Represent the Council on partnership groups, boards and bodies	-	MD Directors	Relevant EM	Non-Executive / Executive

1.21	Respond to consultations from Government, Agencies, Local Authorities or other organisations on behalf of the Council	-	Relevant HOS	-	Non-Executive / Executive
Elections					
1.22	Maintain Register of Electors; and	Representations of the People Acts 1949, 1983, 1985, 1989 and 2000	ERO	-	Non-Executive
1.23	Increase fees in respect of staff employed at elections in line with the annual pay award for Local conditioned staff	Representations of the People Acts 1949, 1983, 1985, 1989 and 2000	ERO	-	Non-Executive
1.24	Where it is impractical to report to Council, designate Polling Places subject to the usual consultation on any changes being proposed	Representation of the People Act, 1983	ERO	-	Non-Executive
1.25	To declare any vacancy in office under Section 86 of the Local Government Act 1972	Section 86 of the Local Government Act 1972	Managing Director	-	Non-Executive
Service Delivery					
1.26	In the case of the failure of a contract, take the necessary action to ensure least disruption to service (for report to the next meeting of the Executive)	-	Relevant HOS	CFO and appropriate EM	Executive
Access to Information					

1.27	Process applications for access to information held by the Council	Freedom of Information Act 2000 Data Protection Act 2018 & GDPR Environmental Information Regulations 2004 Local government transparency code 2015 Access to Personal Files (Housing) Regulations 1989	HOS with responsibility for Access to Information HOS with responsibility for Housing / Access to Information	- -	Executive
1.28	Amend from time to time, as required, the Publication Scheme	Freedom of Information Act 2002.	HOS with responsibility for Access to Information	-	Executive
1.29	Determine whether any complaints or petitions are vexatious, abusive or otherwise inappropriate	-	HOS with responsibility for Democratic Services	-	Non-Executive
Appointment to Committees					
1.30	Make changes to party representation on line committees (including adding/removing substitutes)	-	HOS with responsibility for Democratic Services	Group Leaders	Non-Executive
Customer Services					

1.31 Implement customer service changes, including the premises aspects to deliver the objectives set out in the Customer Services Framework subject to being satisfied that resident needs will continue to be met and suitable alternative provision is available to partner organisations	Section 3 of the Local Government Act 1999	HOS with responsibility for Customer Services	EM with responsibility for customer service and relevant Ward Members	Non-Executive
Community Right to Bid				
1.32 Determine Nominations to List Assets of Community Value for the area in which the property is located	Localism Act 2011	HOS with responsibility for Legal Services	Appropriate EM and the Ward Members	Executive
1.33 Agree and arrange the payment of compensation under the Right to Bid scheme	Localism Act 2011	MD	Appropriate EM and the Ward Members	Executive
1.34 Determine appeals in relation to the listing and compensation reviews	Localism Act 2011	HOS with responsibility for Legal Services	-	Executive
Member Code of Conduct				
1.35 Establish and maintain registers of interest for the Borough and Parish Councils	Localism Act 2011	MO	-	Non-Executive
1.36 Authority to pay reasonable expenses to the Independent Person to the Borough Council	Localism Act 2011	MO	-	Executive

1.37 Implement the procedures for dealing with complaints under the Member Code of Conduct	Localism Act 2011	MO	-	Non-Executive
Safeguarding 1.38 Refresh the Safeguarding Children and Vulnerable Adults Policy regularly as and when new legislation comes into force, except when any significant variations of approach are proposed	Children Act 2004	HOS with responsibility for Wellbeing and Intervention	-	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
2. FINANCE				
<i>Local Taxation</i>				
2.1 Determine all aspects of Council Tax administration, inspection, recovery, collection, refund and exercise of discretion in accordance with any statute or statutory regulations except for matters specifically reserved for Council or Executive or requiring consultation first with the Monitoring Officer or the CFO	Local Government Act 1972 Local Government Finance Act 1988 & 1992 Local Government Act 2003	HOS with responsibility for Revenues and Benefits	CFO	Non-Executive / Executive
2.2 Employ Bailiffs, including power to appoint additional Bailiffs as required	Local Government Act 1972 Local Government Finance Act 1988 & 1992 Local Government Act 2003	HOS with responsibility for Revenues and Benefits	-	Executive
2.3 Determine all aspects of National Non Domestic Rates (Business Rates) administration, inspection, recovery, collection, relief, refund and exercise of discretion in accordance with any statute or statutory regulations except for matters specifically reserved for Council or Executive or requiring consultation first with the Monitoring Officer or the CFO	Local Government Finance Act 1988 & 1992	HOS with responsibility for Revenues and Benefits	EM with responsibility for Finance and CFO	Non-Executive / Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
2.4 Consider applications from recreational organisations for discretionary rate relief for business rates taking into account the evaluation criteria	-	HOS with responsibility for Revenues and Benefits	EM with responsibility for Finance and CFO	Executive
General Financial Management				
2.5 Authorised to undertake any minor amendments to the Contract Procedure Rules as may be necessary to comply with any future legislative requirements.	Section 135 of the Local Government Act 1972	MO	EM with responsibility for Finance and CFO	Executive
2.6 Authorised to undertake any minor and administrative amendments to the Contract Procedure Rules as may be necessary to achieve internal practical implementation and compliance	Section 135 of the Local Government Act 1972	MO	EM with responsibility for Finance and CFO	Executive
2.7 Design, set, waive and levy individual fees and charges which the Council is entitled to levy (statutory and non-statutory)	All enabling legislation	HOS for appropriate service	CFO and appropriate EM	Non-Executive / Executive
2.8 Determine applications the small and medium sized grants fund on the basis of the financial limits and criteria determined by the Executive.	Localism Act 2011	HOS with responsibility for Voluntary Sector funding	EM with responsibility for the Voluntary Sector funding and CFO	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
2.9 Enter into and manage service level agreements for commissioned VCS services on the basis of the financial limits and criteria determined by the Executive.	Local Government Act 2000	HOS with responsibility for Voluntary Sector funding	EM with responsibility for the Voluntary Sector funding and CFO	Executive
2.10 Approve grants to local businesses in accordance with the agreed criteria	Local Government Act 2000	HOS with responsibility for business grants	EM with responsibility for the economy	Executive
2.11 Incur necessary expenditure in the event of a civil emergency in conjunction with the Council's response to the incident	-	MD	CFO	Non-Executive
2.12 Authority to spend from the total budget allocated to manage each service and to make changes between budget headings within the total budget allocated during the year.	-	HOS (incur expenditure within allocated budgets and make transfers between budgets allocated to their service area)	CFO	Executive
Note: See also the Policy & Budget Framework and the Financial Procedure Rules on budget virements.		MD (budget transfers between more than one HOS's allocated budgets)	CFO	

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
2.13 Take any steps necessary for the recovery of debts and write off irrecoverable amounts up to the limits determined by the Financial Procedure Rules	Local Government Act 1972 Local Government Finance Act 1988 & 1992 Companies Acts & Insolvency Act 1986	HOS with responsibility for Revenues and Benefits and CFO	-	Executive
2.14 Prove debts in liquidation and bankruptcy proceedings and sign any relevant documents	Local Government Act 1972 Companies Acts & Insolvency Act 1986 Local Government Finance Act 1988 & 1992	HOS with responsibility for Revenues and Benefits	-	Executive
2.15 Propose and determine the Schedule of Payments to precepting Authorities	Local Government Finance Act 1988 & 1992	CFO	-	Non-Executive
2.16 Authorise the collection of revenues and disbursements of monies from the Collection Fund	Local Government Act 1972 Local Government Finance Act 1988	CFO	-	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
2.17 Determine whether expenditure, including that which is to be reimbursed or met out of funds provided by another person or body, is to be capitalised	Local Government and Housing Act 1989	CFO	HOS	Non-Executive
2.18 Determine the Capital Financing Requirement (CFR)	Local Government and Housing Act 1989	CFO	-	Non-Executive
2.19 Determine if usable capital receipts are to be applied: (a) to meet expenditure incurred for capital purposes; or (b) as (voluntary) provision for credit liabilities and where voluntary provision for credit liabilities is made, provide credit cover for the entering into of a credit arrangement where a determination to this effect is required	Local Government and Housing Act 1989	CFO	-	Non-Executive
2.20 Determine the amount (being not less than the required minimum revenue provision for the year) to be set aside from revenue account as provision for credit liabilities and where such provision is made to provide credit cover for entering into a credit arrangement	Local Government and Housing Act 1989	CFO	-	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
2.21 Take all executive decisions in respect of implementing the Council's Treasury Management Policy and Annual Treasury Management Strategy	-	CFO (Note: In the case of any investment transaction above £1 million this delegation can only be exercised by the CFO and cannot be delegated further – see 2008/09 Minute 93).	-	Executive
2.22 Estimate and notify to the relevant authorities any amounts in respect of a surplus or deficit on the Council's collection fund for any year	Local Government Finance Act 1988	CFO	-	Executive
2.23 Manage the Insurance fund and determine the Council's insurance requirements	Local Government Finance Act, 1988	CFO	-	Executive
2.24 Submit Annual Trustee Reports and Accounts to the Charity Commission (2002/03 Minute 68, page 151)	-	MO (Trustee Reports) CFO (Accounts)	EM with responsibility for Finance & Governance.	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
<p>2.25 Subject to the CFO confirming that sufficient funding remains and certifying that the proposed expenditure is in accordance with the terms of the relevant section 106 obligation(s), (including those related to affordable housing), in consultation with the Executive Member, permit expenditure as follows:</p> <p>(a) Sums up to and including £75,000</p> <p>(b) Sums more than £75,000 up to and including £250,000</p> <p>2.26 Make recommendations to Executive on the establishment and purpose of earmarked reserves and the allocation of funds to them.</p>	-	<p>HOS with responsibility for Regeneration</p> <p>HOS with responsibility for Housing</p> <p>HOS with responsibility for Regeneration</p> <p>HOS with responsibility for Housing</p> <p>CFO</p>	<p>Relevant EM</p> <p>CFO</p> <p>Relevant EM</p> <p>EM with responsibility for Finance & Governance.</p>	<p>Executive</p> <p>Executive</p> <p>Executive</p>

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
2.27 Subject to the CFO confirming that sufficient funding remains, agree spend from earmarked Reserves	-	MD	CFO, MO and Directors	Executive
2.28 Charge commercial customers who pay for goods and services by a credit card, a transaction charge that equates to the cost that the Council has incurred in processing that transaction	-	CFO	-	Non-Executive / Executive
2.29 Administer and release partnership funds in accordance with Government guidance and criteria	-	CFO	-	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
2.30 Submit bids for funding of less than £20,000 to government and government agencies, subject to the Council or its residents benefiting, and without additional costs falling to the Council; and where successful, implement schemes for expenditure. For funding bids over £20,000	-	HOS	Relevant EM and CFO	Non-Executive / Executive
2.31 Disposal of Redundant Assets <ul style="list-style-type: none"> - Items valued up to £1,000 - Items valued £1,000 to £10,000 - Items valued over £10,000 	-	HOS Director CFO	EM responsible for Finance	Executive
2.32 Disposal of obsolete stock <ul style="list-style-type: none"> - valued at less than £1,000 - valued over £1,000 	-	HOS Director	CFO CFO	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
<p>Benefits</p> <p>2.33 Determine all aspects of housing benefit, council tax benefit and second adult rebate administration, application, and determination including payment, overpayment, recovery, refund, and exercise of discretion in accordance with any statute or statutory regulations excluding matters reserved for consideration by an Appeals Tribunal</p>	<p>Social Security Contributions & Benefits Act 1992</p> <p>Child Support, Pensions and Social Security Act 2000</p> <p>Social Security Administration Act 1992</p> <p>Welfare Reform Act 2007</p> <p>Social Security (Consequential Provisions) Act 1992</p> <p>Social Security Act 1998</p> <p>And all other enabling legislation and regulations</p>	<p>HOS with responsibility for Revenues and Benefits</p>	<p>CFO (where there is a change in policy or where there are subsidy/budget implications)</p>	<p>Non-Executive / Executive</p>

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
<p>2.34 Approve hardship relief in appropriate cases under the discretionary fund established as part of the Council Tax Support Scheme</p> <p>Note: There is no discretionary fund in operation at present so this delegation is dormant until such time as it is required.</p>	The Local Government Administration Act	HOS with responsibility for Council Tax	EM with responsibility for Housing CFO (where there is a change in policy or where there are budget implications)	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
<p>Fraud</p> <p>2.35 Undertake all functions in relation to the prevention, detection, investigation and prosecution of acts of fraud and corruption against the Council (2010/11 Minute 7, page 25)</p>	<p>The Local Government Act 1972</p> <p>The Local Government Finance Act 1988 & 1992</p> <p>Social Security Administration Act 1992</p> <p>The Fraud Act 2006</p> <p>Together with all amendments thereto and any re-enactments thereof and such other appropriate legislation</p>	<p>HOS with responsibility for Revenues and Benefits</p>	<p>Subject to the approval of the Monitoring Officer, where the alleged fraudulent or corrupt activity has been committed by a Member of the Council</p> <p>CFO (where the fraud is against this Council or where it involves allegations of Money Laundering)</p>	<p>Non-Executive</p>

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
2.36 Undertake an annual review of anti fraud policies, plans and protocols and making minor changes to those documents, for example, to give effect to those that arise from legislative changes. (2010/11 Minute 7, page 25)	The Local Government Act 1972 The Local Government Finance Act 1988 & 1992 Social Security Administration Act 1992 The Fraud Act 2006 Together with all amendments thereto and any re-enactments thereof and such other appropriate legislation	HOS with responsibility for Revenues and Benefits except that where the amendments are significant a report will be taken to the Executive for approval	EM with responsibility for Finance and CFO	Executive
2.37 Take all action as appropriate as the Council's designated Money Laundering Officer	Money Laundering Regulations 2019	CFO	-	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
3. LAND & PROPERTY				
3.1 Require information as to interests in land	Local Government (Miscellaneous Provisions) Act 1976	HOS with responsibility for Legal	-	Non-Executive (Local Choice)
3.2 Take any necessary steps against encroachments on Council owned or managed land	Local Government Act 1972	HOS with responsibility for Property HOS with responsibility for Legal	Banstead Commons Conservators where appropriate	Executive
3.3 Take all action necessary in relation to property where miscellaneous Licences, Grants, Wayleaves, Easements and other agreements are required	Local Government Act 1972	HOS with responsibility for Property/HOS with responsibility for Legal	Subject in politically sensitive or financially significant cases to consultation with the EM with responsibility for Finance, the EM with responsibility for Investments, the CFO and Relevant Director	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
3.4 Determine requests for permission to site telecommunications masts on Council owned land	-	HOS with responsibility for Development Management subject to: (i) such decisions being made on the same basis and using the same criteria as those used to determine the Council's response as Planning Authority (i) HOS with responsibility for Property being satisfied as to the terms and conditions of any offer	Appropriate EM(s) and Ward Members	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
3.5 Approve rent, charges and serve Notices in respect of properties subject to rent review provisions	Local Government Act 1972	HOS with responsibility for Property.	-	Executive
3.6 Take all action necessary in relation to property subject to the Landlord and Tenant Acts, including grant of leases and service of all Notices, approval of terms and consent to assign and change of use Note: The definition of financially significant relates to the Key Decisions definition.	Local Government Act 1972	HOS with responsibility for Property HOS with responsibility for Legal	Subject in politically sensitive or financially significant cases to consultation with the EM with responsibility for Finance, EM for Investments Relevant Director and the HOS (Legal) and CFO	Executive
3.7 Acquire land and/or buildings using the budget in the approved Capital Programme subject to the principles agreed for the management of property assets and the Council's agreed financial strategies	Localism Act 2011	HOS with responsibility for Property	Leader of the Council, the EMs with responsibility for Finance, Regeneration, Property and Planning and the CFO	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
3.8 Consider and determine applications for the release, variation or modification of covenants attached to former Council dwellings.	Housing Act 1985	HOS with responsibility for Property	-	Executive
3.9 In relation to voluntary sector support, determine the level of rental grant subsidy in conjunction with the use of the Council's property/assets by the voluntary community sector (2004/05 Minute 34, page 89)	-	HOS with responsibility for the Voluntary Sector.	EMs with responsibility for the Voluntary Sector, CFO and the relevant service and the HOS with responsibility for Property	Executive
3.10 Maintain Local Land Charges Register, issue Official Searches and deal with all other matters pertaining thereto	Local Land Charges Act 1975	HOS with responsibility for Legal	-	Executive
3.11 Authorise any exemptions from charges (additional to those detailed at 1990/91 Minute 109, Page 907) for use at the Town Hall, Reigate and other meeting facilities where alternative arrangements do not exist	-	HOS with responsibility for Property	EM with responsibility for Property	Executive
3.12 Submit Planning Applications in respect of Council owned land and buildings	Town and Country Planning Act 1990	HOS with responsibility for Property HOS with responsibility for Place Delivery	-	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
<p>3.13 Amend the Capital Programme to increase capital spend on a development scheme, subject to the following conditions:</p> <ul style="list-style-type: none"> • The net impact of any development scheme cost (compared to the estimated income) is neutral or positive • A report being provided to the following Council meeting explaining the reason for the amendment • The increase in capital spend does not exceed 10% of the development scheme value approved within the capital programme 	-	CFO	Leader, Deputy Leader and EMs with responsibility for Finance and Property	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
4. ENVIRONMENTAL HEALTH¹				
<i>Water supply and drainage</i>				
4.1 Close or restrict use of water from polluted source of supply	Public Health Act 1936	HOS with responsibility for Environmental Health	-	Non-Executive / Executive (Local Choice)
4.2 Exercise the Council's powers in relation to the drainage of buildings, yards and passages	Building Act 1984	HOS with responsibility for Environmental Health	-	Executive
4.3 Exercise the Council's powers, duties and functions in relation to the regulation of private water supplies	Private Water Supplies Regulations 2009	HOS with responsibility for Environmental Health	-	Non-Executive / Executive
4.4 Exercise the Council's powers, duties and functions in relation to the regulation of private water supplies.	Private Water Supplies Regulations 2016	HOS with responsibility for Environmental Health	-	Executive
<i>Pest Control</i>				

¹ Please see also delegations 5.26 – 5.55 under *Private Sector Housing (and general public health)*.

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
4.5 Take any action necessary to reduce numbers of pigeons and other birds in built up areas	Public Health Acts 1936 & 1961	HOS with responsibility for Environmental Health	-	Non-Executive (Local Choice)
4.6 Exercise the Council's power in relation to the control of rats and mice	Prevention of Damage by Pests Act 1949	HOS with responsibility for Environmental Health	-	Non-Executive (Local Choice)
Licensing				
4.7 Consider and determine all applications, that is Grant, renew, transfer, suspend, refuse, revoke, attach or vary Conditions, regarding Licences, Registrations, Certificates and Permits and appeals for the licensing or registration of persons or premises	All legislation relating to the Council's Licensing Functions, not otherwise covered in the Scheme	HOS with responsibility for Licensing	-	Non-Executive
4.8 Suspend hackney carriage vehicle and drivers licences, private hire vehicles, drivers and operators licences	Town Police Clauses Act 1847 Local Government (Miscellaneous Provisions) Act 1976	HOS with responsibility for Licensing	-	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
4.9 Make representations about an application for a premises Licence, Club Premises certificate or Provisional Statement, and for applications to vary conditions	Licensing Act 2003 Gambling Act 2005	In respect of Licensing Act 2003: HOS with responsibility for Licensing, Environmental Protection Health and Safety In respect of Gambling Act 2005: HOS with responsibility for Licensing	-	Non-Executive
4.10 Grant in cases where there are no representations: (i) Application for a Personal Licence (ii) Application for a Premises Licence (iii) Application for a Club Premises Certificate (iv) Application for a Provisional Statement (v) Application to vary a Premises Licence (vi) Application to vary a Club Premises Certificate (vii) Application to vary Designated Premises Supervisor (viii) Application for transfer of premises licence (ix) Application for interim Authorities	Licensing Act 2003	HOS with responsibility for Licensing	-	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
4.11 Determine minor variation applications for premises licences and club premises certificates, including the decision whether to consult with the responsible authorities under sections 41A to 41C and 86A to 86C of the Act (2010/11 Minute 20)	Licensing Act 2003	HOS with responsibility for Licensing	-	Non-Executive
4.12 Determine applications for community premises that wish to apply to sell alcohol without a Designated Premises Supervisor and Personal Licence holder under sections 25A and 41D of the Act, where no relevant representations have been received (2010/11 Minute 20)	Licensing Act 2003	HOS with responsibility for Licensing	-	Non-Executive
4.13 Grant Request to be removed as designated premises supervisor	Licensing Act 2003	HOS with responsibility for Licensing	-	Non-Executive
4.14 Decide whether a representation is irrelevant, frivolous, vexatious etc.	Licensing Act 2003	HOS with responsibility for Licensing	-	Non-Executive
4.15 Issue Counter Notices where the limitations relating to temporary event notices are exceeded (2004/05 Minute 84, page 265)	Licensing Act 2003	HOS with responsibility for Licensing	-	Non-Executive
4.16 Attach such conditions as are deemed appropriate and to decide an application for consent in accord with relevant provisions of the Sunday Trading Act 1994.	Sunday Trading Act 1994	HOS with responsibility for Licensing	Chairman of Licensing and Regulatory Committee	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
4.17 In connection with a Notice of Intention to open on Sundays, waive the requirement for 14 days prior notice to be given and similarly where ownership changes in respect of a "large shop" that previously traded on Sundays, the 14 day prior notice in respect of the new owner	Sunday Trading Act 1994	HOS with responsibility for Licensing	Chairman of Licensing and Regulatory Committee	Non-Executive
4.18 Determine applications by Motor Salvage Operators (2002/03 Minute 67, page 151)	Vehicles (Crime) Act 2001	HOS with responsibility for Licensing	-	Non-Executive
4.19 Make an application to review a premises licence	Gambling Act 2005	HOS with responsibility for Licensing	-	Non-Executive
4.20 Grant in cases where there are no representations: (i) Application for Premises licences (ii) Application for a variation to a licence (iii) Application for a transfer of a licence (iv) Application for a Provisional Statement (v) Application for club gaming/club machine permits (vi) Application for permits	Gambling Act 2005	HOS with responsibility for Licensing	-	Non-Executive
4.21 Determine applications for other permits	Gambling Act 2005	HOS with responsibility for Licensing	-	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
4.22 Cancel licensed premises gaming machine permits	Gambling Act 2005	HOS with responsibility for Licensing	-	Non-Executive
4.23 Decide whether a complaint is irrelevant, frivolous, vexatious, or will certainly not influence the authority's determination of the application	Gambling Act 2005	HOS with responsibility for Licensing	-	Non-Executive
4.24 Determine applications to register, or revoke small scale lotteries where the applicant does not wish to make representation	Gambling Act 2005	HOS with responsibility for Licensing	-	Non-Executive
4.25 Determine licence applications, revoke licences and undertake enforcement action in relation to scrap metal dealers	The Scrap Metal Dealers Act 2013	HOS with responsibility for Licensing	-	Non-Executive
Food Safety				
4.26 Enforce relevant statutory provisions	Food Safety Act 1990 and all other enabling legislation	HOS with responsibility for Food Safety	-	Non-Executive / Executive
4.27 Exercise the Council's power in relation to the slaughter of animals including:	Slaughterhouses Act 1974 (as amended by the Welfare of Animals at Slaughter Act 1991)	HOS with responsibility for Food Safety	-	Non-Executive
(i) Registration of knackers yards where slaughter takes places				
(ii) Licensing of Slaughtermen				

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
4.28 Require access to and ensure appropriate provision of sanitary facilities for the disabled at premises open to the public	Sick and Disabled Persons Act 1981	HOS with responsibility for Food Safety	-	Non-Executive
4.29 Serve notices requiring information to be provided (in relation to water supply)	Water Industry Act 1991	HOS with responsibility for Food Safety	-	Executive
4.30 Serve notices in respect of water that is not wholesome	Water Industry Act 1991	HOS with responsibility for Food Safety	-	Non-Executive / Executive
4.31 Notification of the water undertaken of any unwholesome or insufficient supply of any supply that may cause danger to life or health	Water Industry Act 1991	HOS with responsibility for Food Safety	-	Non-Executive / Executive
4.32 Grant, refuse or revoke approvals to premises under the relevant provisions of any product specific Regulations	Food Safety Act 1990	HOS with responsibility for Food Safety	-	Non-Executive
4.33 Authorise members of staff, and individuals in partner organisations where appropriate, to take enforcement function, in line with the relevant Enforcement Policy (2007/08 Minute 15, page 72)	Health Act 2006 (Section 10) and the Smoke Free (Premises and Enforcement) Regulations 2006	HOS with responsibility for Food Safety	-	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
4.34 Exercise the Council's powers, duties and functions in relation to major food contamination	Food and Environment Protection Act 1985	HOS with responsibility for Environmental Health	-	Non-Executive / Executive
4.35 Exercise the Council's powers, duties and functions in relation to the regulation of consumer information on allergens in food Note: In accordance with Schedule 8, paragraph 37 of EU Withdrawal Act 2018 – general transitional, transitory or saving provision, continuation of existing Acts.	Food Safety Addition (Dec 2014) EU Food Information to Consumers Regulation (EU) No. 1169/2011	HOS with responsibility for Environmental Health	-	Non-Executive / Executive
4.36 Exercise powers available in relation to enforcement of food hygiene and safety provision under the European law Note: In accordance with Schedule 8, paragraph 37 of EU Withdrawal Act 2018 – general transitional, transitory or saving provision, continuation of existing Acts.	European Communities Act Regulation EC Nos. 178/2002 852/2004 853/2004 854/2004 2073/2005	HOS with responsibility for Environmental Health	-	Non-Executive / Executive
Health and Safety at Work				
4.37 Agree transfers and assignments between the Health and Safety Executive and the Council	Health & Safety at Work Act, etc 1974	HOS with responsibility for Health and Safety	-	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
4.38 Enforce relevant statutory provisions	Health & Safety at Work Act, etc 1974	HOS with responsibility for Health and Safety	-	Non-Executive
4.39 Exercise the Council's powers, duties and functions in relation to the regulation of sunbeds	Sunbeds (Regulation) Act 2010	HOS with responsibility for Environmental Health	-	Non-Executive / Executive
4.40 Exercise the Council's powers, duties and functions in relation to Acupuncture, Tattooing, Ear-Piercing and Electrolysis	The Local Government (Miscellaneous) Provisions Act 1982	HOS with responsibility for Environmental Health	-	Non-Executive / Executive
Environmental Protection				
4.41 Exercise the power to deal with a statutory nuisance including noise nuisance	Environmental Protection Act 1990	HOS with responsibility for Environmental Protection	-	Non-Executive (Local Choice)
4.42 Serve Abatement Notices and abate statutory nuisances where an Abatement Notice has not been complied with and recovery of expenses	Environmental Protection Act 1990.	HOS with responsibility for Environmental Protection	-	Non-Executive (Local Choice)

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
4.43 Carry out all the functions in relation to polluting activities requiring permits, including: <ul style="list-style-type: none"> (i) grant or refuse applications (ii) determine and review conditions to be attached to environmental permits (iii) vary environmental permits and conditions attached thereto (iv) revoke environmental permits (v) issue and serve enforcement notice (against breach of condition) (vi) issue and serve suspension notices (suspending the carrying out of all or part of an activity where an imminent risk of serious pollution arises) (vii) keep and maintain a public register of particulars relating to the discharge of functions (viii) determine applications from persons furnishing information to exclude such information from the register on grounds of commercial confidentiality 	Pollution Prevention and Control Act 1999 “	HOS with responsibility for Environmental Protection “	- “	Non-Executive (Local Choice) “
4.44 Prepare and maintain a register of prescribed particulars etc to comply with S 78.R EPA1990	Environmental Protection Act 1990	HOS with responsibility for Environmental Protection	-	Non-Executive (Local Choice)

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
4.45 Exercise the powers and duties in connection with the prevention and remediation of prescribed pollution incidents	Environmental Damage (Prevention and Remediation) Regulations 2009	HOS with responsibility for Environmental Protection	-	Non-Executive
4.46 Carry out any necessary functions	Noise Act 1996	HOS with responsibility for Environmental Protection	-	Non-Executive (Local Choice)
4.47 Exercise the powers of Inspector contained within Part V of the Environment Act 1995	Environment Act 1995	All Technical Officers appointed by the HOS with responsibility for Environmental Protection	-	Non-Executive (Local Choice)
4.48 Issue notices, exemptions and authorisations in relation to emissions into the atmosphere	Environment Act 1995	HOS with responsibility for Environmental Protection	-	Non-Executive (Local Choice)
4.49 Arrange for the review of air quality under the Environment Act 1995, and assessments against air quality standards and objectives	Environment Act 1995	HOS with responsibility for Environmental Protection	-	Non-Executive (Local Choice)

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
4.50 Identify sites and determine whether land is contaminated and to carry out any necessary investigatory, enforcement or remediation action, including the service of notices, under Part IIA of the Environment Act 1990	Environment Act 1995	HOS with responsibility for Environment Protection	-	Non-Executive (Local Choice)
4.51 Administer all the provisions of the Clean Air Act 1993 where the Council is the enforcing authority for the purposes that include monitoring, preventing and controlling air pollution	Clean Air Act 1993	HOS with responsibility for Environmental Protection	-	Non-Executive (Local Choice)
4.52 Exercise powers relating to (a) the control of noise from construction sites and (b) the investigation and requirement of information in relation to the control of noise (2004/05 Minute 98, page 229)	Control of Pollution Act 1974	HOS with responsibility for Environmental Protection	-	Non-Executive (Local Choice)
4.53 Exercise powers and take action under Sections 77, 78 and 79 of Part 7 of the Act (2005/06 Minute 211, page 611)	Clean Neighbourhoods and Environment Act 2005	HOS with responsibility for Environmental Protection	-	Non-Executive (Local Choice)
4.54 Agree appointments of proper officers outside of the authority	Public Health (Control of Disease) Act 1984, National Assistance Act 1948 and the Milk and Dairies	HOS with responsibility for Environmental Health	-	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
4.55 Make minor or technical changes to the Contaminated Land Inspection Strategy to ensure that it is up to date	Environmental Protection Act 1990	HOS with responsibility for Environmental Health	-	Executive
Enforcement Policy				
4.56 Refresh the Environmental Health Enforcement Policy regularly as and when new legislation comes into force, except when any significant variations of approach to regulation changes are proposed	Legislative and Regulatory Reform Act 2006	HOS with responsibility for Environmental Health	-	Executive
Community Safety				
4.57 Exercise the Council's powers, duties and functions to address anti-social behaviour in relation to the use of Civil Injunctions	Anti-social Behaviour, Crime and Policing Act 2014	HOS with responsibility for Community Partnership	-	Non-Executive / Executive
Note: Decisions to be taken by relevant Head of Service for their respective areas of responsibility.				

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
<p>4.58 Exercise the Council's powers, duties and functions to address anti-social behaviour in relation to the use of Community Protection Notices and its breach including:</p> <ul style="list-style-type: none"> (i) destruction or disposal of an item forfeited by court order (ii) seizure of an item used in the offence under a warrant (iii) issue of a Fixed Penalty Notice <p>Note: Decisions to be taken by relevant Head of Service for their respective areas of responsibility.</p>	Anti-social Behaviour, Crime and Policing Act 2014	<p>HOS with responsibility for Community Partnerships</p> <p>HOS with responsibility for Neighbourhood Operations</p>	-	Non-Executive / Executive
<p>4.59 Exercise the Council's powers, duties and functions to address anti-social behaviour in relation to the making of Public Spaces Protection Orders and its breach including:</p> <ul style="list-style-type: none"> (i) issue of a Fixed Penalty Notice <p>Note: Decisions to be taken by relevant Head of Service for their respective areas of responsibility.</p>	Anti-social Behaviour, Crime and Policing Act 2014	<p>HOS with responsibility for Community Partnerships</p> <p>HOS with responsibility for Neighbourhood Operations</p>	-	Non-Executive / Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
4.60 Exercise the Council's powers, duties and functions to address anti-social behaviour in relation to the making of Closure Notices Note: Decisions to be taken by relevant Head of Service for their respective areas of responsibility. Parking Services	Anti-social Behaviour, Crime and Policing Act 2014	HOS with responsibility for Community Partnerships HOS with responsibility for Neighbourhood Operations	-	Non-Executive / Executive
4.61 Manage and operate on-street parking controls on behalf of and by agreement with Surrey County Council (the Highways Authority)	Traffic Management Act 2004 and associated legislation	HOS with responsibility for Parking Services	-	Executive
4.62 Manage and operate the Council's car parks and any other car parks which the Council is authorised to operate	-	HOS with responsibility for Parking Services	-	Executive
4.63 Grant all permission, authorisations, relaxations or exemptions as the Council may be so authorised under the provisions of the Borough of Reigate and Banstead (Off-Street Parking Places) Order 2009 and all amendments thereto	-	HOS with responsibility for Parking Services	-	Executive
4.64 Agree any free parking in each Town Centre	-	HOS with responsibility for Parking Services	EM with responsibility for Parking Services	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
4.65 Make decisions and issue all subsequent notices to vary the charges for off-street parking as detailed in the Off-Street Parking Order	Road Traffic Regulation Act 1984 and regulations made thereunder	HOS with responsibility for Parking Services	EM with responsibility for Parking Services	Executive
4.66 Make decisions, issue all notices required and deal with all consultation responses to amend the Off-Street Parking Order	Road Traffic Regulation Act 1984 and regulations made thereunder	HOS with responsibility for Parking Services	EM with responsibility for Parking Services	Executive
<i>Licensing (while the provisions of the Business and Planning Act 2020 are in force)</i>				
4.67 Consider and determine and enforce all Pavement Licence applications, and licences; that is grant, renew, transfer, refuse, revoke (including recovery of costs), set and attach or vary conditions.	Business and Planning Act 2020	HOS with responsibility for Licensing	-	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
5. HOUSING AND OTHER RESIDENTIAL ACCOMMODATION				
5.1 Exercise the Council's powers, duties and functions in relation to individuals or households that are homeless or potentially homeless, including: determining and reviewing applications; and providing temporary and emergency accommodation	Housing Act 1985 Homelessness Act 2002 and other relevant legislation	HOS with responsibility for Housing	-	Executive
5.2 Enter into short term tenancies of properties to enable the Council to comply with its statutory duties as a housing authority	Housing Acts 1985, 1988 and 1996 Homelessness Act 2002 and other relevant legislation	HOS with responsibility for Housing	-	Executive
5.3 Approve applications for advances for house purchase and construction within the Scheme approved from time to time by the Council	Housing Acts 1985, 1988 and 1996 Homelessness Act 2002 and other relevant legislation	HOS with responsibility for Housing	EM with responsibility for Housing and CFO	Executive
5.4 Exercise the Council's powers, duties and functions in relation to complaints of, or potential, illegal eviction and harassment concerning residential accommodation, including: investigating complaints, instituting and conducting proceedings	Protection from Eviction Act 1977 (as amended by the Housing Act 1988) And any other legislation	HOS with responsibility for Housing	-	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
<p>5.5 Exercise the Council's powers duties and functions in relation to the provision of information and advice to landlords, tenants, and homeowners including: the statutory rights and duties of landlords and tenants</p> <p>5.6 Exercise the Council's powers duties and functions in relation to maintaining a housing register or list, including: processing, determining, refusing, and reviewing applications; removing and suspending applicants; determining priority of applicants and suitability of accommodation; running a choice-based allocation system; and nominating applicants to housing providers</p>	<p>Rent Act 1977 Housing Acts Homelessness Acts And other relevant legislation</p> <p>Housing Act 1996 Homelessness Act 2002 and other relevant legislation</p>	<p>As appropriate: HOS with responsibility for Housing HOS with responsibility for Environmental Health</p> <p>HOS with responsibility for Housing</p>	<p>-</p> <p>-</p>	<p>Executive</p> <p>Executive</p>
<p>5.7 Make minor changes to the housing register, nomination, homelessness & transfer policies and also, where necessary, agree local lettings policies for new and existing affordable housing</p>	<p>Housing Act 1996 Homelessness Act 2002 and other relevant legislation</p>	<p>HOS with responsibility for Housing</p>	<p>-</p>	<p>Executive</p>

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
5.8 Enter into reciprocal, nomination and referral arrangements with other housing authorities, housing providers, statutory bodies and also for specific initiatives, including for witness protection and domestic violence and managing transfer lists on behalf of agreed housing providers	Housing Act 1996 Homelessness Act 2002 and other relevant legislation	HOS with responsibility for Housing	-	Executive
5.9 Rehouse families where requested to do so by statutory bodies including when the Police ask the Council to move a family because there is risk to safety or to the life of one of the family members and also where a child in a family is in danger		HOS with responsibility for Housing	EM with responsibility for Housing	Executive
5.10 Exercise the Council's powers, duties and functions in relation to all types of grants and loans in respect of residential accommodation, including authorising the waiving of grant and loan repayments	Housing Grants, Construction and Regeneration Act 1996 And other relevant legislation	HOS with responsibility for Housing	HOS with responsibility for Legal and CFO	Non-Executive
5.11 Waive grant and loan repayments where there is evidence of both financial hardship and specific evidence of the grounds on which the waiving of grant repayment is sought	Housing Grants, Construction and Regeneration Act 1996 And other relevant legislation	HOS with responsibility for Housing	EM with responsibility for Housing and CFO	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
5.12 Exercise the Council's powers, duties and functions to require means of escape from certain buildings	Building Act 1984 And other relevant legislation	HOS with responsibility for Building Control	-	Non-Executive
5.13 Manage agreements and other housing related deeds entered into with Registered Social Landlords and housing providers, including the Large Scale Voluntary Transfer Agreement (LSVT), and specifically to vary agreements where no additional cost would fall on the Council, including LSVT	-	HOS with responsibility for Housing	HOS with responsibility for Legal and CFO for variations	Executive
5.14 Determine the Council's support for bids by Registered Providers and others to the Homes & Communities Agency for affordable housing funding; or for funding for affordable housing from other sources	Housing Act 1996 Housing & Regeneration Act 2008 And other relevant legislation	HOS with responsibility for Housing	CFO	Executive
5.15 Exercise the Council's powers duties and functions in relation to the periodic review of the housing needs, housing supply, and housing conditions in the Borough	Housing Act 1985 Housing Act 2004 And other relevant legislation	As appropriate HOS with responsibility for Housing HOS with responsibility for Environmental Health	-	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
5.16 Approve applications for advances for house purchase, construction, improvement and repair within the Scheme approved from time to time by the Council	-	HOS with responsibility for Housing	CFO and EM with responsibility for Housing	Executive
5.17 Consider and determine applications for home loss and disturbance payments and make payments as necessary	Land Compensation Act 1973 Planning and Compensation Act 1991	HOS with responsibility for Housing	HOS with responsibility for Legal	Non-Executive / Executive
5.18 Exercise the Council's powers, duties and functions in relation to appeals to the First-tier Tribunal	Housing Act 2004 Section 231	HOS with responsibility for Environmental Health	HOS with responsibility for Legal	Non-Executive
5.19 Utilise up to £33,000 of the home repair capital budget to make grants or loans to organisations delivering relevant services	-	HOS with responsibility for Environmental Health	EM with responsibility for Environmental Health and CFO	Executive
5.20 Approve and confirm acceptance of the Homes & Communities Agency's Grant Funding Conditions, as necessary, for affordable housing; and for other housing projects and initiatives	-	HOS with responsibility for Housing	CFO	Executive
5.21 Make minor amendments to the Tenancy Strategy	Localism Act 2011	HOS with responsibility for Housing	EM with responsibility for Housing	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
5.22 Use Section 106 affordable housing contributions for the provision of temporary accommodation 5.23 Authorise expenditure on the provision of Section 106 affordable housing contributions as follows: (a) up to and including £75,000	Housing Act 1985 Housing Act 1985	HOS with responsibility for Housing HOS with responsibility for Housing	EMs with responsibility for Housing & Welfare and Property & Regeneration and CFO EMs with responsibility for Housing & Welfare, and Property & Regeneration and CFO	Executive Executive
(b) from £75,000 to £250,000		Relevant Director	EMs with responsibility for Housing & Welfare, and Property & Regeneration and CFO	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
5.24 Apply for an annual Direction from the Secretary of State for residential properties held outside of a Housing Revenue Account		HOS with responsibility for Housing	-	Executive
Private Sector Housing (and general public health)²				
5.25 Exercise the Council's powers, duties and functions in relation to the cleansing of filthy or verminous premises, the cleansing or destruction of filthy or verminous articles, and the cleansing of verminous persons and their clothing	Public Health Act 1936 (as amended)	HOS with responsibility for Environmental Health	-	Non-Executive / Executive
5.26 Exercise the Council's powers, duties and functions in relation to the Public Health (Control of Disease) Act 1984 and any regulations made thereunder	Public Health (Control of Disease) Act 1984	HOS with responsibility for Environmental Health	-	Executive
5.27 Exercise the Council's powers, duties and functions to repair of drains, etc. and remedy stopped up drains, etc; require disconnection of drains; cleanse/repair drains, etc; arrange loan of temporary sanitary conveniences	Public Health Act 1961 (as amended) Building Act 1984	HOS with responsibility for Environmental Health	-	Executive
5.28 Exercise the Council's powers, duties and functions to require removal of obstructions from private sewers	Local Government (Miscellaneous Provisions) Act 1976	HOS with responsibility for Environmental Health	-	Executive

² Please see also delegations under *Section 4: Environmental Health*.

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
5.29 Exercise the Council's powers, duties and functions to arrange the clearance of blocked private sewers, drains or cesspools/septic tanks where there is the likelihood of a risk to public health and subject to a maximum cost of £1,000 in any one case	Public Health Act 1936	HOS with responsibility for Environmental Health	-	Executive
5.30 Exercise the Council's, duties, powers and functions in relation to the declaration and revocation of declarations of houses in multiple occupation	Housing Act 2004	HOS with responsibility for Environmental Health	-	Executive
5.31 Exercise the Council's, duties, powers and functions in relation to the maintenance of registers of notices, orders and licences and management orders for houses in multiple occupation	Housing Act 2004	HOS with responsibility for Environmental Health	-	Executive
5.32 Approve applications for advances for house improvement and repair within the Scheme approved from time to time by the Council	Housing Acts 1985, 1988 and 1996 Homelessness Act 2002 and other relevant legislation	HOS with responsibility for Environmental Health	EM with responsibility for Housing and the CFO	Executive
5.33 Exercise the Council's powers duties and functions in relation to adaptations for people with disabilities in respect of residential accommodation, including: determining and reviewing applications for grants, payment and recovery of grants; and authorising Charges and Local Land Charge entries	Housing Grants Construction and Regeneration Act 1996 and other relevant legislation	HOS with responsibility for Environmental Health	-	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
5.34 Exercise the Council's powers, duties and functions in relation to applications for grants and loans in respect of repairs and minor works for residential accommodation including determining applications, payments of grants and loans, authorising Charges and Local Land Charge entries	Housing Grants, Construction and Regeneration Act 1996 And other relevant legislation	HOS with responsibility for Environmental Health Note: Any review must be undertaken by a different Officer to that tasking the initial decision	-	Non-Executive
5.35 Exercise the Council's powers, duties and functions in relation to all types of grants and loans in respect of residential accommodation, including authorising the waiving of grant and loan repayments in the following circumstances: (i) where breach of conditions occur in the case of a property which is the subject of mortgage repossession and the owner is unable to fund repayment of both the outstanding mortgage and grant from the proceeds of the property sale; and (ii) where an owner makes a disposal of the property which is not an exempt disposal in order to take up residence in sheltered housing. and recovery of sums due to breaches in grant or loan conditions or where circumstances allow	Housing Grants, Construction and Regeneration Act 1996 And other relevant legislation	HOS with responsibility for Environmental Health	HOS with responsibility for Legal and CFO	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
5.36 Waive grant and loan repayments where there is evidence of both financial hardship and specific evidence of the grounds on which the waiving of grant repayment is sought	Housing Grants, Construction and Regeneration Act 1996 And other relevant legislation	HOS with responsibility for Environmental Health	EM with responsibility for Housing and CFO	Executive
5.37 Approve any further applications for extensions to the Home Improvement Scheme to include other interested local authorities and not-for-profit organisations, subject to the Council not being involved in additional costs	-	HOS with responsibility for Environmental Health	EM with responsibility for Housing	Executive
5.38 Carry out full procurement exercises to secure Home Improvement Agency and Handyperson services for so long as Surrey County Council provide funding for those services and in accordance with the funding and specifications they provide, and cancel any contracts for any such services	-	HOS with responsibility for Environmental Health	-	Executive
5.39 In relation to private sector housing repairs, adaptations and other works, agree exception cases up to the value of £1,000	-	HOS with responsibility for Environmental Health	EM with responsibility for Housing	Executive
5.40 Exercise the Council's powers, duties and functions in relation to the restoration or continuation of supply of water, gas or electricity to residential accommodation	Local Government (Miscellaneous Provisions) Act 1976	HOS with responsibility for Environmental Health	-	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
5.41 Exercise the Council's powers, duties and functions in relation to mobile homes and mobile home sites, including the service of notices, determining applications for licences, licensing sites, site conditions standards and improvements	Caravan Sites and Control of Development Act 1960 Caravan Sites Act 1968 Mobile Homes Act 2013	HOS with responsibility for Environmental Health	-	Non-Executive
5.42 Exercise the Council's powers, duties and functions in relation to the enforcement of The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020	The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020	HOS with responsibility for Environmental Health	-	Executive
5.43 Review the Fees and Charges Policy for Licensed Mobile Home Sites annually and as and when new legislation or guidance comes into force, except when any significant variations of approach to setting fees and charges are proposed.	Legislative and Regulatory Reform Act 2006	HOS with responsibility for Environmental Health	EM with responsibility for Environmental Health and CFO	Non-Executive
5.44 Exercise the Council's powers, duties and functions in relation to control of moveable dwellings	Public Health Act 1936	HOS with responsibility for Environmental Health	-	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
5.45 Sign, serve (including by electronic means) and issue Notices and Orders, take actions in default or otherwise and recover expenses, administration costs etc, in relation to housing and other residential accommodation including houses in multiple occupation; and for drainage purposes in respect of housing, other residential accommodation and non-residential premises as necessary	Local Government (Miscellaneous Provisions) Act 1976 Local Government (Miscellaneous Provisions) Act 1982 Public Health Act 1936 & 1961 Prevention of Damage by Pests Act 1949 Building Act 1984 Caravan Sites and Control of Development Act 1960 Caravan Sites Act 1968 Housing Acts and other relevant legislation	HOS with responsibility for Environmental Health	-	Non-Executive / Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
5.46 Authorise members of staff to request information and enter premises, residential accommodation, caravans, moveable dwellings, houses in multiple occupation and mobile home sites to inspect, take samples and collect evidence, including taking photographic evidence	Caravan Sites and Control of Development Act 1960 Caravan Sites Act 1968 Building Act 1984. Public Health Acts 1936 & 1961. Local Government (Miscellaneous Provisions) Acts 1976 & 1982 Local Government & Housing Act 1988	HOS with responsibility for Environmental Health	-	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
5.47 Exercise the Council's powers duties and responsibilities in relation to standards and category 1 & 2 Hazards (as defined in Section 2 of the Housing Act 2004) in housing and residential accommodation including: <ul style="list-style-type: none"> (i) setting standards, inspecting properties, and enforcing standards; (ii) service, suspension and enforcement of hazard awareness and improvement notices and prohibition orders; (iii) emergency action and emergency prohibition orders 	Housing Act 2004	HOS with responsibility for Environmental Health	CFO for recovery of monies only	Non-Executive / Executive
5.48 Exercise the Councils powers in relation to empty properties, including making and authorising of interim and final empty dwelling management orders, actions resulting from interim and final empty dwelling management orders; and payment of compensation as necessary	Housing Act 2004	HOS with responsibility for Environmental Health	EM with responsibility for Housing	Executive
5.49 Consult with the Fire and Rescue Service in respect of fire risk in certain residential accommodation	Housing Act 2004	HOS with responsibility for Environmental Health	-	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
5.50 Exercise the Council's powers duties and functions in relation to licensing of houses in multiple occupation, including: <ul style="list-style-type: none"> (i) deciding which are to be licensed; (ii) temporarily exempt some from licensing; (iii) granting and refusing licences; (iv) tests of suitability, variation and revocation of licences; (v) licences, and procedures and appeals 	Housing Act 2004	HOS with responsibility for Environmental Health	-	Executive Note: Licensing and Regulatory Committee are responsible for individual applications

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
5.51 Exercise the Council's powers duties and functions in relation to standards in, the management of, and overcrowding in, houses in multiple occupation, including: <ul style="list-style-type: none"> (i) making and operating interim management orders; (ii) variation and revocation of interim management orders; (iii) making and operation of final management orders; (iv) variation and revocation of final management orders, procedural requirements and appeals; (v) management, termination of final management orders; (vi) making and enforcement of management regulations; (vii) and overcrowding notices and enforcement 	Housing Act 2004	As appropriate HOS with responsibility for Environmental Health	HOS responsible for Legal regarding appeals only	Executive
5.52 To reduce HMO standards where it is considered unreasonable to meet them, i.e. they would result in the loss of a unit of accommodation or would lead to excessive costs	Housing Act 2004	HOS with responsibility for Environmental Health	EM with responsibility for Housing	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
5.53 Exercise the Council's, duties, powers and functions in relation to: <ul style="list-style-type: none"> (i) requirements to produce documents; (ii) entry to premises; (iii) notice requirements for the protection of owners; (iv) dispensing with notices; (v) service of documents and service of documents in electronic form 	Housing Act 2004	HOS with responsibility for Environmental Health	-	Executive
5.54 Exercise the Council's powers duties and functions to deal with the abatement of overcrowding of residential properties	Housing Act 1985 And other relevant legislation	HOS with responsibility for Environmental Health	-	Executive
5.55 Exercise the Council's powers, duties and functions in relation to the imposition of civil financial penalties	Housing and Planning Act 2016	HOS with responsibility for Environmental Health	-	Executtive
5.56 Exercise the Council's powers, duties and functions in relation to the imposition of rent repayment orders	Housing and Planning Act 2016	HOS with responsibility for Environmental Health	-	Executive
5.57 Exercise the Council's powers, duties and functions in relation to the enforcement of smoke and carbon monoxide alarm provisions	Smoke and Carbon Monoxide Alarm (England) Regulations 2015	HOS with responsibility for Environmental Health	-	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
5.58 Refresh the Housing Enforcement Policy regularly as and when new legislation comes into force, except when any significant variations of approach to regulation changes are proposed.	Legislative and Regulatory Reform Act 2006	HOS with responsibility for Environmental Health	-	Non-Executive
5.59 Exercise the Council's powers, duties and functions in relation to the enforcement of the Energy Performance Certificate (EPC) requirements.	Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015	HOS with responsibility for Environmental Health	-	Executive
5.60 Exercise the Council's powers, duties and functions in relation to the enforcement of the requirement to belong to an approved scheme.	Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014	HOS with responsibility for Environmental Health	-	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
5.61 Exercise the Council's powers, duties and functions in relation to the enforcement of The Electrical Safety Standards in the Private Rented Sector Regulations 2020.	The Electrical Safety Standards in the Private Rented Sector Regulations 2020	HOS with responsibility for Environmental Health	-	Executive
5.62 Exercise the Council's powers duties, responsibilities and functions in relation to the implementation and ongoing operation of affordable housing schemes initiated by Government, Homes England or other body on their behalf including: issuing application forms, processing, determining, authorising, refusing and reviewing applications; providing information, advice and instructions to applicants, housing providers and third parties; authorising the purchase, transfer or sale of individual affordable homes in accordance with the scheme.		HOS with responsibility for Housing	Legal Services Manager and MO	Executive
5.63 Exercise the Council's powers, duties, functions in relation to the use of the Homelessness Prevention Grant or equivalent funding on activities, projects, or initiatives to prevent homelessness and to improve or provide housing options		HOS with responsibility for Housing	Legal Services Manager, MO, CFO and Executive Member for Housing.	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
6. HUMAN RESOURCES				
6.1 Take the necessary action to implement Local Conditions of Service: (i) in respect of qualification or determination of payment (ii) in respect of payment	Local Government Act 1972	HOS with responsibility for Human Resources CFO	- -	Non-Executive
6.2 Determine additional leave in accordance with the Additional Leave Policy	Local Government Act 1972	HOS for relevant service	-	Non-Executive
6.3 Move an existing Officer to a higher point within the existing grade, above a pay bar or above the maximum progression level	Local Government Act 1972	Relevant HOS	With the agreement of the HOS with responsibility for Human Resources and CFO	Non-Executive
6.4 Carry out grading reviews for existing posts and move a position to a different grade where justified	Local Government Act 1972	Relevant HOS	HOS with responsibility for Human Resources and CFO	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
6.5 Approve payment of honoraria: <ul style="list-style-type: none"> <li data-bbox="275 472 943 531">(i) in accordance with employment terms and conditions <li data-bbox="275 675 853 734">(ii) in excess of employment terms and conditions 	Local Government Act 1972	Relevant HOS MD	With the agreement of the HOS with responsibility for Human Resources and CFO With the agreement of HOS with responsibility for Human Resources and the Chairman of the Employment Committee and CFO	Non-Executive
6.6 Agree the Human Resource Plan in accordance with the approved budget.	Local Government Act 1972	MD	-	Non-Executive
6.7 Appoint and dismiss staff	Local Government Act 1972	MD or HOS in accordance with the Employment Procedure Rules and other HR requirements	-	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
6.8 Appoint an independent person in respect of any disciplinary action in relation to the statutory Chief Officers	Local Government Act, 2000	HOS with responsibility for Human Resources	-	Non-Executive
6.9 In relation to recruitment and retention of staff, where there is a need for considering market supplements in other areas, the agreed criteria be applied and, where a payment is warranted, approve accordingly (2003/04 Minute 222)	Local Government Act 1972	Relevant HOS	HOS with responsibility for Human Resources, CFO and the Chairman of the Employment Committee	Non-Executive
6.10 In relation to recruitment and retention of staff, where there is no longer a need for market supplements, remove accordingly	Local Government Act 1972	HOS with responsibility for Human Resources	CFO and relevant HOS	Non-Executive
6.11 Hear and determine grievances and appeals in accordance with the Council's approved Grievance Procedure (2006/07 Minute 50, page 218)	Local Government Act 1972	MD / HOS in accordance with the Council's Grievance and appeals Procedures	-	Non-Executive
6.12 Agree minor changes, for example those that arise from legislative changes, to all Human Resources policies and procedures (2009/10 Minute 124, page 464)	-	HOS with responsibility for Human Resources	Attendees to the Local Joint Forum	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
6.13 Agree new, or significant changes to, Human Resources policies and procedures	Local Government Act 1972	MD	Attendees to the Local Joint Forum	
6.14 Make amendments to the Equality Policy and Equality Objectives	Equality Act 2010	HOS with responsibility for Corporate Policy	EM with responsibility for Equalities Relevant HOS	Executive
6.15 Approve Early or Flexible Retirement on efficiency grounds where there is a clear business benefit to be gained	The Local Government Act 1972	MD	HOS with responsibility for Human Resources; CFO and the Chairman of the Employment Committee.	Non-Executive
6.16 To negotiate and conclude pay award proposals with Trade Unions, Staff Association and others to an amicable solution.	The Local Government Act 1972	MD	EMs with responsibility for Organisational Development and Finance and CFO	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
7. PLANNING & DEVELOPMENT				
7.1 Issue, service, publish, modify and withdraw all Notices, Counter notices, Objections to Notices, Certificates, Requisitions for Information, Orders, Directions and any other documents of a legal nature, together with the certification of such documents pursuant to any powers of the Council in connection with the Town and Country Planning legislation	All Town and Country Planning legislation	HOS with responsibility for Legal	-	Non-Executive
7.2 Issue, service, publish, modify and withdraw Planning Contravention Notices	Town and Country Planning Act 1990	HOS with responsibility for Development Management	-	Non-Executive
7.3 Determine the following types of application (other than applications by Members or Officers of the Council or members of their families or where an Officer or Member is known to have an interest) including any related agreements or obligations arising from the granting of such applications: (i) extensions or alterations to residential dwellings including garages and other ancillary works (ii) erection of single dwellings (iii) residential development resulting in a net increase of one dwelling	Town and Country Planning legislation	HOS with responsibility for Development Management	-	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
<p>(iv) conversion of a building(s) into flats including associated alterations and extension</p> <p>(v) shop fronts</p> <p>(vi) consent to display advertisements</p> <p>(vii) all reserved matters</p> <p>(viii) Conservation Area and Listed Building consents, or the demolition or alteration of a building within a Conservation Area either where required in connection with a development where the HOS with responsibility for Development Management has delegated power to grant planning permission or where planning permission is not required;</p> <p>(ix) renewal of temporary permissions</p> <p>(x) Agricultural/ Telecommunication (including public call boxes and ancillary radio equipment houses)/Demolition development</p> <p><i>(N.B. In the case of agricultural determinations, details should always be requested in Areas of Outstanding Natural Beauty and Areas of Great Landscape Value. In all other cases, details will be requested only following consultation with any Ward Member(s) concerned and in accordance with Department of the Environment Guidelines)</i></p>				

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
(xi) changes of use not conflicting with Council policy and refusal of changes of use conflicting with Council policy (xii) demolition of buildings (xiii) provision of vehicular accesses (xiv) erection of fences/walls or other means of enclosure (xv) institutional, educational or commercial works not exceeding 250 sq. metres (gross external floorspace) – not including changes of use proposals (xvi) consent to store hazardous substances subject to the decision being in accordance with the views of the statutory consultees (xvii) variations of a minor nature to existing Section 52 or Section 106 Agreements (xviii) refusal of planning permission, listed building consent or conservation area consent in all other circumstances		HOS with responsibility for Development Management,	Subject to prior consultation with the Chairman of the Planning Committee	

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
<p>All the foregoing to be subject to the proviso that such powers will not be exercisable by the HOS with responsibility for Development Management until either:</p> <ul style="list-style-type: none"> (a) the expiry of 21 days from the date of circulation of details of such applications to all Members of the Council and no objections to the level of delegation having been received in writing from any Member of the Council by the expiry of that period; (b) in the event of such objection being received, the withdrawal of such objection; or (c) in the event of amendments being received to such applications, a further 3 days be allowed to enable Members to raise an objection to the level of delegation 				Non-Executive
<p>7.4 Determine applications for:</p> <ul style="list-style-type: none"> (i) A Certificate of Lawfulness of existing use or development (ii) A Certificate of Lawfulness of proposed use or development (iii) The removal of or operations to preserved trees or trees in Conservation Areas (iv) Prior Approval Notifications 		HOS with responsibility for Development Management	-	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
7.5 Determine applications for proposals which are identical or not significantly different from previous permissions	Town and Country Planning Act 1990	HOS with responsibility for Development Management	-	Non-Executive
7.6 Determine an application for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted	Section 73 Town and Country Planning Act 1990	HOS with responsibility for Development Management	Chairman of Planning Committee as appropriate	Non-Executive
7.7 Determine an application for non-material amendment	Section 96A Town and Country Planning Act 1990	HOS with responsibility for Development Management	-	Non-Executive
7.8 Exercise the Council's power to decline to determine an application for planning permission for the development of land	Section 70A Town and Country Planning Act 1990	HOS with responsibility for Development Management	-	Non-Executive
7.9 Exercise the Council's powers in relation to any notices including the decision to issue, serve, withdraw, modify or vary notices, the making and confirmation of orders, directions, etc., and the decision to carry out works in default	Town and country Planning legislation	HOS with responsibility for Development Management / HOS with responsibility for Legal	-	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
7.10 Exercise the Council's powers in relation to the decision to issue, serve, withdraw, modify or vary Planning Contravention Notices	Town and Country Planning Act 1990	HOS with responsibility for Development Management	-	Non-Executive
7.11 Recommend to the Department of Culture, Media and Sport spot listing of buildings of Architectural or Historic Interest	Town and Country Planning legislation as above	HOS with responsibility for Development Management	-	Non-Executive
7.12 Spotlist any historic gardens following consultation with the Surrey County Council historic gardens adviser and the Surrey Gardens Trust	-	HOS with responsibility for Development Management	Chairman of the Planning Committee	Non-Executive
7.13 Keeping of Registers in respect of: (i) Planning applications (ii) Notifications of Intentions to fell trees in Conservation Areas (iii) Enforcement Notices and Stop Notices Issue appropriate Decision Notices or Certificates following the determination of applications	Town and Country Planning Legislation	HOS with responsibility for Development Management	-	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
7.14 Exercise the Council's powers in relation to Building Control legislation, including, but without prejudice to the generality of the foregoing, the determination of applications for the approval of plans and specifications, applications for relaxations, the issue and service of all Notices, the making of requirements and the decision to carry out works in default	Building Control legislation	HOS with responsibility for Building Control	-	Non-Executive / Executive
7.15 Exercise the powers and duties of the Council relating to dangerous, dilapidated or defective buildings or structures, hoardings, scaffolding and the demolition of buildings	Building Control legislation	Any one of the Technical Officers specifically appointed for this purpose by the HOS with responsibility for Building Control	-	Non-Executive / Executive
7.16 Authorise the service of consents for hedgerows removal, hedgerow retention notices, hedgerow replanting notices and any other matters in relation to the operation of the Hedgerow Regulations 1997	Hedgerow Regulations 1997	HOS with responsibility for Development Management	-	Non-Executive / Executive
7.17 Vary Building Regulation Charges when considered necessary	The Building (Local Authority Charges) Regulations 1998	HOS with responsibility for Building Control	EM with responsibility for Planning or Chairman of the Planning Committee as appropriate	Non-Executive / Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
7.18 Decide whether to serve a High Hedge Remedial Notice or not and authorise and exercise the Council's power of entry (2005/06 Minute 7, page 33)	Anti-Social Behaviour Act 2003	HOS with responsibility for Development Management	-	Non-Executive
7.19 Take direct action pursuant to a High Hedge Remedial Notice (2008/09 Minute 149, page 345)	Anti-Social Behaviour Act 2003	HOS with responsibility for Development Management	-	Non-Executive
7.20 Local Community Infrastructure Levy Subject to the CFO confirming that sufficient Community Infrastructure Levy funding remains, permit expenditure as follows: (a) Sums up to and including £75,000 (b) Sums from £75,000 to £250,000	-	(a) HOS with responsibility for Planning (b) Relevant Director	CFO	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
7.21 Authorised to transfer Community Infrastructure Levy monies to infrastructure providers for projects on the Strategic Infrastructure Programme	Planning Act 2008 and the Community Infrastructure Levy (CIL) Regulations 2010 (as amended)	Relevant Head of Service	Relevant Portfolio Holder(s) and the CFO to confirm that sufficient funds exist	Executive
7.22 Authorisation for up to 10% of the CIL strategic element be used each year to fund urgent strategic infrastructure projects, including Corporate priority projects, outside those outlined within the agreed Strategic Infrastructure Programme (SIP).	Planning Act 2008 and the Community Infrastructure Levy (CIL) Regulations 2010 (as amended)	Director	CFO, Head of Planning, Leader, Deputy Leader and EMs with responsibility for Finance and Planning	Executive
7.23 Exercise the Council's duties and powers in relation to the enforcement of the Community Infrastructure Levy	Planning Act 2008 and Community Infrastructure Levy Regulations 2010	HOS with responsibility for Planning/HOS with responsibility for Legal	-	Non-Executive
7.24 Exercise the Council's duties and powers in relation to the calculation of the chargeable amount and determination of liability, in respect of the Community Infrastructure Levy	Planning Act 2008 and Community Infrastructure Levy Regulations 2010	HOS with responsibility for Planning	-	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
7.25 Exercise the Council's duties and powers in respect of appeals relating to the Community Infrastructure Levy	Planning Act 2008 and Community Infrastructure Levy Regulations 2010	HOS with responsibility for Planning	-	Non-Executive
7.26 Exercise the Council's duties in relation to the assessment of claims for exemption and/or relief from the Community Infrastructure Levy, in accordance with any relevant policies adopted by the Council	Planning Act 2008 and Community Infrastructure Levy Regulations 2010	HOS with responsibility for Planning	-	Non-Executive
7.27 Exercise the Council's duties in relation to administration of CIL, including determination of applications to satisfy CIL through the provision of land and/or infrastructure in-kind, and completion of any associated agreements.	Planning Act 2008 and Community Infrastructure Levy Regulations 2010	HOS with responsibility for Planning	-	Non-Executive
7.28 Exercise the Council's function and powers in respect of temporary changes to planning legislation introduced by the Business and Planning Act.	Town and Country Planning Act 1990 S74A to S74D and Town and Country Planning Act 1990 S93A to S93F	HOS with responsibility for Development Management	-	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
8. STREET SCENE				
8.1 Exercise the Council's functions under the Highways legislation including authorisation and issue, service, publication, modification and withdrawal of all Notices, Counter notices, objections to Notices, Requisitions for Information, Orders, Directions, and any other documents of a legal nature, and the certification of such documents	All legislation relating to Highways issues	HOS with responsibility for Street Scene	-	Non-Executive / Executive
8.2 Discharge functions relating to control of unauthorised encampments	Criminal Justice and Public Order Act 1994	HOS with responsibility for Development Management	-	Non-Executive
8.3 Exercise powers under Land Drainage Acts and Byelaws made thereunder including entry on to land, service of notices and action requiring works in default up to a value of £20,000 per incident	Land Drainage Acts	HOS with responsibility for Drainage	-	Executive
8.4 Exercise power to collect and dispose of abandoned vehicles	Refuse Disposal (Amenity) Act 1978	HOS with responsibility for Street Scene	-	Executive

Delegated Function		Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
8.5	Act as necessary to deal with the collection of waste	Environmental Protection Act 1990 Public Health Act, 1936 Refuse Disposal (Amenity) Act, 1978	HOS with responsibility for Refuse and Recycling	-	Executive
8.6	Issue and serve Notices in relation to requirements for type of refuse containers; recycling arrangements and litter abatement	Environmental Protection Act, 1990	HOS with responsibility for Refuse and Recycling	-	Executive
8.7	Execute the provisions relating to abandoned trolleys	Environmental Protection Act, 1990	HOS with responsibility for Street Scene	-	Executive
8.8	Street cleansing	Environmental Protection Act 1990.	HOS with responsibility for Street Scene	-	Executive
8.9	Prepare and amend zoning plans as required by the Environmental Protection Act	Environmental Protection Act, 1990	HOS with responsibility for Street Scene	-	Executive
8.10	Provide bins for litter	Environmental Protection Act, 1990	HOS with responsibility for Environmental Health	-	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
8.11 Decide on the location of new recycling sites (2004/05 Minute 78, page 188)	-	HOS with responsibility for Street scene	-	Executive
8.12 Street Numbering	Public Health Act 1925	HOS with responsibility for street naming		Executive
8.13 Street Naming	Public Health Act 1925	HOS with responsibility for street naming	EM with responsibility for street naming and subject to prior consultation with relevant Ward Members	Executive
8.14 Street Naming and Numbering Policy (minor amendments thereto)	Public Health Act 1925	HOS with responsibility for street naming and numbering	EM for Planning Policy	
8.15 Issue Fixed Penalty Notices for dog fouling	Clean Neighbourhoods and Environment Act 2005	HOS with responsibility for Environmental Health	-	Non-Executive / Executive
8.16 Take appropriate action under the Community Safety Accreditation Scheme	Police Reform Act 2002	HOS with responsibility for Environmental Health	-	Non-Executive / Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
8.17 Deal with instances of fly posting/unauthorised advertising	Town & Country Planning Act 1990	HOS with responsibility for Environmental Health	-	Non-Executive / Executive
8.18 Deal with instances of unauthorised trading	Local Government (Miscellaneous Provisions) Act 1982	HOS with responsibility for Environmental Health	-	Non-Executive / Executive
8.19 Issue litter clearance notices	Environmental Protection Act 1990	HOS with responsibility for Environmental Health	-	Non-Executive / Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
9. LEISURE, PARKS AND OPEN SPACES				
9.1 Grant or refuse permission for the use of leisure land including Parks, Recreation Grounds, Gardens, Commons and open spaces and all other recreational facilities in accordance with approved policies	Open Spaces Act 1906 Public Health Acts 1875 – 1961 (as amended) Local Government Act 1972	HOS with responsibility for Parks	Subject to agreement of HOS with responsibility for Legal in respect of Common land	Executive
9.2 Deal with letting or hiring of sports facilities and leisure facilities provided by the Council	Public Health Acts Amendment Act 1907 The Public Health Acts 1925 and 1961 Reigate Corporation Act 1945 Local Government Act 1972 Local Government (Miscellaneous Provisions) Act 1976	As appropriate: HOS with responsibility for Parks HOS with responsibility for Leisure	-	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
9.3 Close parks and pleasure grounds or part thereof or allow their use for a show or other special purpose, in particular, the letting of Redhill and Earlswood Commons and Reigate Heath for Fairs, Circuses and similar events	Public Health Acts Amendment Act 1890 as amended by the Public Health Act 1961	HOS with responsibility for Parks	HOS with responsibility for Legal	Executive
9.4 Deal with any applications affecting access over, or laying of services in, over or under common land or leisure land	Metropolitan Commons (Banstead) Supplemental Act 1893 Reigate Corporation Act 1945	HOS with responsibility for Legal	EM with responsibility for Open Spaces and Banstead Commons Conservators where appropriate	Executive
9.5 Grant Grazing and Haycutting Licences	-	HOS with responsibility for Parks	-	Executive
9.6 Grant Catering, Fishing and Boating Licences	Local Government (Miscellaneous Provisions) act 1976	HOS with responsibility for Parks	-	Executive
9.7 Manage and control the Council's statutory/non-statutory allotment sites	Allotment Acts 1908-1950	HOS with responsibility for Allotments	-	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
9.8 On the basis that every effort is made to achieve good value in terms of price and quality, negotiate and enter into contracts with Theatre Companies, producers, artistes or theatrical managements, up to the value of £150,000 without employing the tender process, in accordance with Contract Procedure Rules	-	HOS with responsibility for Theatre	EM with responsibility for Finance, CFO and MO	Executive
9.9 Deal with all matters relating to burial, the grant of Burial Rights, subscriptions and memorials	Local Government Act 1972	HOS with responsibility for Cemeteries	-	Executive
9.10 Agree all consultations and amendments to Dog Control Orders	Dog Control Orders (Procedures) Regulations 2006	HOS with responsibility for Parks	EM with responsibility for Parks and the Ward Members	Executive
9.11 Enter into Service Level Agreements for the management and operation of greenspaces and countryside areas such as the Downlands Countryside Management Service; Reigate Heath; Banstead Commons Conservators, Earlswood Common	-	HOS with responsibility for Neighbourhood Operations	EM with responsibility for Parks and Countryside	Executive
9.12 To enter into Management Agreements (including the appointment of RBBC representatives where appropriate) for the operation of community focussed groups established in the Borough eg Jubilee Woodlands, Tadworth		Relevant HOS	HOS with responsibility for Legal and Governance Relevant EM	Executive

This page is intentionally left blank

Part 4: Procedure Rules

Procedure Rule 1 – Access to Information

1.1 Scope

- 1.1.1 These rules apply to all meetings of the Council and its Committees and to meetings of the Executive and its Sub Committees (together called meetings)

1.2 Additional rights to information

- 1.2.1 These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law

1.3 Rights to attend meetings

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

1.4 Notices of meeting

- 1.4.1 The Council will give at least give clear working days notice of any meeting by posting details of the meeting at the Town Hall, Castlefield Road, Reigate.

1.5 Access to Agenda and reports before the meeting

- 1.5.1 The Council will make copies of the Agenda and reports open to the public available for inspection at the Town Hall, Castlefield Road, Reigate at least five clear working days before the meeting. If an item is added to the Agenda later, the revised Agenda and any additional papers shall be made available to the public as soon as the report is completed and sent to Councillors.

1.6 Rights to film and report meetings

- 1.6.1 The Council will provide reasonable facilities to enable members of the public to film and report (including via social media) the discussion at all meetings, with the exception of items considered under exempt business
- 1.6.2 Such recording should be undertaken in such a way that it is not disruptive or distracting to the good order and conduct of the meeting.
- 1.6.3 Any recording should respect the wishes of other members of the public not to be filmed. The Council may request a copy of any recording for our records.

1.7 Supply of copies

- 1.7.1 The council will supply copies of:
- i. Any agenda and reports which are open to public inspection
 - ii. Any further statements or particulars necessary to indicate the nature of the items in the Agenda; and

- iii. If the Proper Officer thinks fit, copies of any other documents supplied to Councillors in connection with an item

To any person on payment of a charge for postage and any other costs. Copies may also be available, free of charge, via the Council's website.

1.8 Access to minutes etc. after the meeting

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

- i. The Minutes of the meeting or records of decisions taken, together with reasons, for all meetings of the Executive and its Sub Committees, excluding any part of the Minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- ii. A summary of any proceedings not open to the public where the Minutes open to inspection would not provide a reasonably fair and coherent record;
- iii. The Agenda for the meeting; and
- iv. Reports relating to items when the meeting was open to the public

1.9 Background papers

List of background papers

1.9.1 The Proper Officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- 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

1.9.2 This does not include published works or those which disclose exempt or confidential information (as defined in Procedure Rule 1.10)

Public Inspection of Background Papers

1.9.3 The Council will make available for public inspection for four years after the date of the meeting each document listed as a background paper.

Background Papers to Executive Reports

1.9.4 The background papers identified for Executive reports will be published on the Council's website.

1.10 Exclusion of access by the public to meetings

Confidential Information – Requirement to Exclude Public

1.10.1 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 confidential information would be disclosed.

Meaning of Confidential Information

1.10.2 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.

Exempt Information – Discretion to Exclude Public

1.10.3 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.

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

Meaning of Exempt Information

1.10.5 Exempt information means information falling within the following 7 categories:

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)
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 a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings
6. Information which reveals that the authority proposes –
 - a. To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - b. To make an order or director under any enactment
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

1.10.6 Information can be considered to be exempt if and so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

1.10.7 Information falling within any of the 7 categories in Procedure Rule 1.10.5 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.

1.11 Exclusion of access by public to reports

1.11.1 If the Proper Officer thinks fit, and it is in the public interest, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Procedure Rule 1.10, 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.

1.12 Overview and Scrutiny Committee access to documents

Rights to Copies

1.12.1 Subject to Procedure Rule 1.12.2 below, the Overview and Scrutiny Committee will be entitled to copies of any document which is in the possession or control of the Leader or Executive and which contains material relating to:

- i. Any business transacted at a meeting of the Executive or any of its Sub Committees; or
- ii. Any decision taken by an individual Member of the Executive

Limit on Rights

1.12.2 The Overview and Scrutiny Committee will not be entitled to:

- i. Any document that is in draft form; or
- ii. Any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision it is reviewing or scrutinising or intend to scrutinise

1.13 Additional rights of access for Members

Material relating to Previous Business

1.13.1 All Members will be entitled to inspect any document which is in the possession of or under the control of the Leader or Executive and contains material relating to any business previously transacted at a private meeting unless it contains exempt information falling within any of the 7 categories in Procedure Rule 1.10.5

Material relating to Key Decisions

1.13.2 All Members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession of or under the control of the Leader or Executive which relates to any Key Decision unless it contains exempt information falling within any of the 7 categories in Procedure Rule 1.10.5

Nature of Rights

1.13.3 These rights of a Member are additional to any other right he/she may have.

1.14 Additional access requirements for Executive functions

1.14.1 There are access requirements, in addition to these rules, for decisions taken regarding Executive functions. These requirements are set out in Procedure Rule 3 – Executive Functions and Procedure Rule 6 – Policy Framework and Budget, in Part 4 of this Constitution.

Procedure Rule 2 – Council

2.1 Suspension of Procedure Rules

2.1.1 Subject to Statutory provisions, the Council may decide to suspend any Procedure Rules at a Council meeting provided:

- i. Notice has been given on the Agenda (either under Procedure Rule 2.17 or by way of a Committee Recommendation) or;
- ii. One half of the Members of the Council are present

2.2 Ruling of the Mayor

2.2.1 The ruling of the Mayor on the application of Procedure Rules or any proceedings of the Council shall not be challenged

2.3 Disorderly Conduct

Members

2.3.1 The Mayor shall warn a Member who behaves improperly.

2.3.2 If the Member continues the misconduct the Mayor may move that the Member be excluded from the meeting (in which case the Motion shall be put and determined without seconding or discussion)

2.3.3 If the Motion is approved the Member shall leave the Chamber

Public

2.3.4 The Mayor shall warn a member of the public who interrupts the proceedings of any meeting

2.3.5 If the interruption continues the Mayor shall order removal of the person concerned from the Chamber

2.3.6 In the case of general disturbance, the Mayor shall order the public gallery to be cleared and, if appropriate, adjourn the meeting.

2.4 Meetings of the Council

Annual Meeting

2.4.1 The Annual Meeting of the Council shall be held in May each year unless otherwise agreed by the Mayor, Council or set by Government regulation.

Ordinary Meetings

2.4.2 The Council will hold Ordinary Meetings on the dates set out in a Schedule of Meetings agreed by the Council and no less than once every quarter.

Extraordinary Meetings

2.4.3 The Council, or the Mayor, or the Monitoring Officer may call an Extraordinary Meeting of the Council at any time.

Procedure Rule 2 – Council

2.4.4 If, following a request from five Members of the Council, the Mayor refuses to call an Extraordinary Meeting, or fails to call it within seven days, then any five Members may call the meeting.

Time

2.4.5 All Council Meetings shall start at 7.30 p.m. unless otherwise agreed by the Mayor or the Council.

Change of Date or Time of Meetings

2.4.6 The Council or the Mayor can change the date and/or time or cancel a meeting of the Council due to lack of business or other special circumstances before the Summons is issued.

2.5 Quorum

2.5.1 The quorum of a Council Meeting shall be thirteen Members

2.5.2 If there is not a quorum present, the meeting shall be adjourned for fifteen minutes

2.5.3 If after fifteen minutes there is still no quorum, all uncompleted business shall be deferred to the next Ordinary Meeting or such other date as shall be determined by the Mayor.

2.6 Adjournment

2.6.1 The Council may adjourn a meeting at any time.

2.6.2 If the business is not completed by 10.30 p.m. the Council may decide in relation to all or part of the remaining business to:

- a. Approve items without debate
- b. Continue the meeting to complete the business
- c. Refer the business to the next Ordinary meeting
- d. Adjourn to a specific date

2.7 Prayers

2.7.1 Prayers shall be said before the start of all Council meetings, and not form part of the formal meeting

2.8 Order of business at Council meetings

Annual Meeting

2.8.1 The order of business at the Annual Meeting shall be:

1. Election of Mayor
2. Election of Deputy Mayor
3. Minutes
4. Apologies for absence

5. Declarations of Interest
6. The result of Local Elections (if appropriate)
7. Election of the Leader
8. Appointment of:
 - a. At least one Overview and Scrutiny Committee
 - b. A Standards Committee
 - c. Such other Committees as the Council consider appropriate
9. Any other business specified on the Agenda
10. Urgent Business
11. Vote of Thanks to Council employees
12. Leader's Announcements
13. Mayor's Announcements

Ordinary Meetings

2.8.2 The order of business at Ordinary Meetings shall be:

1. Minutes
2. Apologies for absence
3. Declarations of Interest
4. Urgent Business
5. Any Business remaining from the last meeting
6. Questions by members of the public
7. To receive any petitions under the Petition Scheme
8. Questions by Members
9. Recommendations and/or reports on Executive functions and/or from Committees of the Council
10. Quarterly reports on Special Urgency decisions (if any) under Procedure Rule 3.5.12
11. To receive any Statement from the Leader of the Council, Members of the Executive, Chairmen of Committees or the Managing Director

12. Motions
13. Any other business specified on the Agenda
14. Leader's Announcements
15. Mayor's Announcements

Extraordinary Meetings

2.8.3 The order of business at Extraordinary Meetings shall be:

1. Minutes
2. Apologies for absence
3. Declarations of Interest
4. Urgent Business
5. Recommendations and/or reports on Executive functions and/or from Committees of the Council (if any)
6. Business specified on the Agenda

Budget Meeting

2.8.4 The procedure for dealing with the conduct of the Budget Meeting shall be agreed by the Mayor.

2.9 Absence of Mayor or Deputy Mayor

2.9.1 In the absence of the Mayor, the Deputy Mayor shall take the Chair.

2.9.2 In the absence of the Mayor and Deputy Mayor, a Chairman for the meeting shall be elected. The Chairman for the meeting shall not be the Leader of the Council or a Member of the Executive. Any power or duty of the Mayor in relation to the conduct of the meeting may be exercised by the person in the Chair.

2.10 Minutes

2.10.1 The Minutes of every Council Meeting shall be circulated to all Members and presented to the next Council Meeting for confirmation and signature by the Mayor

2.10.2 Where this is impractical, owing to the short time between meetings, or where the next meeting is an Extraordinary Meeting the Minutes may be presented to the next Council Meeting.

Procedure Rule 2 – Council

2.10.3 No discussion shall take place upon the Minutes other than on their accuracy.

2.10.4 If no point of accuracy is raised, or it is raised then as soon as it has been disposed of, the Mayor shall sign the minutes.

2.11 Urgent Business

2.11.1 If an item is not included on the Agenda it shall not be discussed unless the Mayor is of the opinion that, by reason of special circumstances, which shall be specified in the Minutes, it should be considered at the meeting as a matter of urgency.

2.11.2 Items of urgent business must be in writing for circulation to the Members present (and the Press and public as appropriate) but may be supplemented by an oral report.

2.12 Petitions

2.12.1 Petitions will be dealt with in accordance with the Petition Scheme.

2.13 Recommendations from the Leader/ Executive decision maker and Committees

2.13.1 Recommendations from the Leader/Executive Decision Makers and Committees shall be submitted to Council

2.13.2 The Mayor shall draw attention to each Recommendation which is before the Council for determination

2.13.3 All Recommendations shall be taken as agreed by General asset unless, in the opinion of the Mayor, there is dissent to warrant a vote being taken.

2.13.4 A Member may:

- i. Speak for or against a Recommendation
- ii. Move an Amendment provided written notice has been given to the Managing Director by 10.00 a.m. on the preceding Tuesday for a Thursday Council Meeting. For meetings held on other days, the equivalent period of working days' notice shall be given
- iii. Speak for or against an Amendment

2.13.5 Amendments to Recommendations submitted under Procedure Rule 2.13.4(ii) shall be notified to all Members of the Council not later than the working day before the meeting.

2.14 Questions by members of the public

2.14.1 Members of the public who live or work in the Borough may ask questions of the Leader, Members of the Executive or Chairmen of Committees in accordance with the agreed procedures for Public Questions set out in Annex 1 to Procedure Rule 2.

2.15 Questions by Members

2.15.1 A Member may ask a question of either the Leader, or an Executive Member or a Committee or Sub-Committee Chairman to be answers orally at an Ordinary Meeting provided:

- i. Written notice has been given to the Managing Director by 10.00 a.m. on the preceding Tuesday for a Thursday Council Meeting. For meetings held on other days, the equivalent period of working days' notice shall be given; and
- ii. the question relates to a function of the Council or affects the Borough

2.15.2 In the absence of the Member who submitted the question, the said Member may appoint another Member to ask the question on their behalf.

2.15.3 Oral questions shall be put and answered without discussion but the person whom a question has been put may decline to answer.

2.15.4 An answer may be given by the Member to whom the question was put, or by another Member nominated by the Member to whom the question was put:

- a. Orally
- b. In writing
- c. By reference to a published document

2.15.5 One supplementary question may be asked by the original questioner arising directly out of the reply to an oral question

2.15.6 Questions shall be taken Portfolio to Portfolio followed by the Committees in alphabetical order

2.15.7 With the consent of the Mayor, similar questions shall be grouped together and received a single response. Each questioner shall however have the risk to ask a supplementary question under Procedure Rule 2.15.5

2.15.8 Any Member may ask additional questions. A written answer shall be given to the Member concerned. Copies of the questions and answers shall be placed on the Council's website.

2.16 Motions not requiring notice

2.16.1 Motions may be moved without notice to:

- i. Appoint a Chairman of the meeting
- ii. Question the accuracy of the Minutes
- iii. Vary the order of business
- iv. Refer a matter to the Leader, a Committee or Sub-Committee
- v. Extend the time limit for speeches
- vi. Amend Motions and recommendations to reports direct to Council but not Executive or Committee Recommendations contained within Minutes
- vii. Proceed to the next business
- viii. Take vote
- ix. Adjourn the meeting
- x. Adjourn the debate
- xi. Suspend Procedure Rules

- xii. Exclude the press and public
- xiii. End a named Member's speech
- xiv. Give the consent of the Council when it is required by this Constitution

2.17 Motions requiring notice

- 2.17.1 Notice of Motions shall be given to the Managing Director in writing at least nine Working Days before the Council Meeting at which they are to be submitted
- 2.17.2 Motions will be set out in the Agenda for the next Ordinary meeting unless a motion:
- a. At the request of the Member is to be submitted to another meeting;
 - b. Relates to a matter before an Extraordinary Meeting; or
 - c. Has been withdrawn in writing
- 2.17.3 Motions shall upon being moved and seconded, be referred without discussion to the Leader or the relevant Committee or Sub-Committee for consideration and recommendation to Council (if appropriate) unless it is within the Council's remit and in the opinion of the Mayor, it is convenient and conducive to the conduct of business to allow the Motion to be dealt with at the meeting in which case prior notification must be given to all Members not later than the working day before the meeting.
- 2.17.4 Every motion shall relate to a function of the Council or affect the Borough
- 2.17.5 The Mayor, in consultation with the Managing Director, may determine that a Motion is contrary to the Constitution in which case the Member concerned shall be informed that the Motion shall not be included on the Agenda.
- 2.17.6 Where an Extraordinary Meeting of the Council has been convened for a specific purpose, any Motion shall relate to that matter and any other Motions received shall be submitted to the next Ordinary Meeting of the Council.

2.18 Motions and Amendments on Expenditure

- 2.18.1 No Motion or Amendment which would increase the net expenditure or reduce the income of the Council shall be moved at any Council Meeting except in the form of a reference to the Leader or a Committee for consideration or report, unless the alternative proposal was set out in the original report or is based on financial information contained in that report.

2.19 Rules of Debate

- 2.19.1 Motions and Amendments shall be proposed and seconded
- 2.19.2 If notice is given of a Motion or Amendment any other Member of the Council may move or second it if the mover or the seconder does not do so or is absent
- 2.19.3 If a Motion or Amendment is not moved either by the Member who gave notice or another Member, it shall be treated as withdrawn and shall not be moved without fresh notice

Procedure Rule 2 – Council

2.19.4 The seconder of a Motion or Amendment may reserve the right to speak later in the debate

2.19.5 When speaking a Member shall stand and address the Mayor

2.19.6 Only one Member may speak at a time

2.19.7 A point of order shall relate only to an alleged breach of Procedure Rules or statutory provisions

2.19.8 If a speech by a Member appears to have been misunderstood, the Member may give a personal explanation

2.19.9 The ruling of the Mayor on a point of order or on the admissibility of a personal explanation shall not be open to discussion

2.19.10 No speech shall exceed five minutes without the consent of the Council

2.19.11 No Member shall speak more than once in the same debate except:

- i. To speak once on an Amendment
- ii. If the Motion or Recommendation has been amended since the Member last spoke, to move a further Amendment
- iii. To speak on the main issue after an Amendment upon which the Member has spoken has been disposed of
- iv. In exercise of a right of reply
- v. On a point of order
- vi. By way of personal explanation

2.19.12 Amendments to Motions of Recommendations may:

- i. Refer a subject of debate to the Leader (or relevant Executive decision maker) or a Committee or Sub-Committee for consideration or reconsideration;
- ii. Leave out words and/or figures;
- iii. Leave out words and/or figures and add others;
- iv. Add words and/or figures

2.19.13 But shall not introduce a new proposal or negate the Motion or Recommendation before the Council

2.19.14 Only one Amendment may be moved and discussed at a time and no further Amendment shall be moved until the Amendment under discussion has been disposed of

2.19.15 If an Amendment is lost, other amendments may be moved on the original Motion or Recommendation

Procedure Rule 2 – Council

- 2.19.16 If an Amendment is carried the Motion as amended shall take the place of the original Motion and shall become the Motion upon which any further amendment may be moved
- 2.19.17 The exception to this is where a reference back is moved upon which being carried on further amendment may be moved.
- 2.19.18 A Member may with the consent of the Council given without discussion:
- i. Alter a Motion or Amendment of which the Member has given notice; or
 - ii. With the further consent of the seconder, alter a Motion or Amendment which the Member has moved
- 2.19.19 If (in either case) the alteration is one which could be made as an Amendment
- 2.19.20 A Motion or Amendment may be withdrawn by the mover with the consent of the seconder and of the Council, given without discussion
- 2.19.21 No Member may speak upon the Motion or Amendment after the mover has asked permission for its withdrawal, unless permission has been refused
- 2.19.22 The right to reply at the close of a debate shall be as follows:

Motions

- i. The Leader of the Council (Executive business), the Chairman of the appropriate Committee or other nominated Member immediately before the mover's final speech
- ii. The mover of the Motion immediately before the vote is taken
- iii. If an amendment is moved, the mover of the original Motion shall also have a right of reply at the close of the debate on the Amendment but shall not otherwise speak on the Amendment

Recommendations from the Leader/Executive Decision Maker or from Committees

- i. The Leader of the Council (Executive business), the Chairman of the appropriate Committee or other nominated Member has the right of reply on Recommendations on Executive functions or from Committees and any amendment to them immediately before the vote is taken.
 - ii. The mover of an Amendment should speak to the proposal when proposing the Amendment and has no right of reply at the close of the debate on the Amendment.
- 2.19.23 When a Motion is under debate no other Motion shall be moved except to:
- i. Amend the Motion or postpone its consideration;
 - ii. Extend the time limit for speeches

Procedure Rule 2 – Council

- iii. Proceed to the next business
- iv. Take a vote
- v. Adjourn the meeting
- vi. Adjourn the debate
- vii. Suspend Procedure Rules
- viii. Exclude the press and public
- ix. End a named Member's speech; and
- x. Defer the subject of the debate or refer it to the Leader or a Committee or Sub-Committee;

2.19.24 A further Motion under Procedure Rule 2.19.23(v) and (vi) above shall not be moved within 20 minutes

2.19.25 If a Member has spoken during a debate that Member may not move a Motion under Procedure Rule 2.19.23(iii), (iv), (v) and (vi)

2.19.26 A Motion under Procedure Rule 2.19.23(iii), (iv), (v) and (vi) shall not be put to the vote if the Mayor considers that the Motion under debate has been insufficiently discussed

2.19.27 If a Motion to proceed to the next business is carried the matter under debate shall be considered closed.

2.19.28 If a Motion to proceed to the next business is carried, then the mover of the original Motion shall be given a right of reply before the Motion is put to the vote.

2.20 Rescission or Amendment of previous decisions

2.20.1 The Managing Director, in consultation with the Leader of the Council or relevant Committee Chairman may propose a review of a previous decision of the Council if there has been a material change in circumstances

2.21 Voting

2.21.1 Voting shall be a show of hands

2.21.2 At the request of five Members of the Council made before the vote is taken, the voting shall be recorded in the Minutes. This should be by roll-call and the vote or abstention of each Member shall be recorded.

2.21.3 Decisions relating to the annual budget and Council Tax shall be made by a recorded vote, without the requirement of Procedure Rule 2.21.2 above

2.21.4 In the case of an equality of votes the Mayor shall have a second or casting vote. The casting vote may be used whether or not the Mayor has already voted.

2.21.5 A Member's vote for or against (or abstention) shall be recorded in the Minutes provided a request to do so is made by the Member immediately after the vote is taken.

ANNEX 1: QUESTIONS BY MEMBERS OF THE PUBLIC

1. General

1.1 Members of the public who live or work in the Borough may ask questions of Members of the Executive or Chairmen of Committees at ordinary meetings of the Council.

1.2 A maximum of fifteen minutes in total shall be allowed at each meeting for public questions.

2. Order of questions

2.1 Questions will be asked in the order they are received, except that the Managing Director may group together similar questions.

3. Notice of questions

3.1 A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Managing Director no later than midday 6 working days before the day of the meeting. Each question must give the name and address or workplace, as appropriate, of the questioner and must name the Member of the Council to whom it is to be put.

4. Number and time of questions

4.1 At any one meeting no person may submit more than one question and no more than one such question may be asked on behalf of an organisation. Questions when asked at the meeting may only last for up to 2 minutes.

5. Scope of questions

1.1 The Managing Director may reject a question if it:

- I. Is not about a matter for which the local authority has a responsibility, or which affects the Borough;
- II. Is defamatory, frivolous or offensive;
- III. Is substantially the same as a question which has been put at a meeting of the Council in the past six months;
- IV. Requires the disclosure of confidential or exempt information; or
- V. Relates to an individual application

6. Record of Questions

6.1 The Managing Director will place each question on the Council's website and will send a copy of the question to the Member to whom it is to be put. Rejected questions will include reasons for rejection.

6.2 Copies of all questions not rejected will be circulated to all Members of the meeting and will be made available to the Press and public attending the meeting.

7. Asking the question at the meeting

7.1 The Mayor will invite the questioner to put the question to the Member named in the notice

1.2 The questioner must not deviate from the submitted wording.

1.3 If a questioner who has submitted a written question is unable to be

1.4 present, they may ask a representative to put the question on their behalf

1.5 The Member named shall give an oral reply at the meeting. In the absence of the named Member, they can appoint another Member to respond on their behalf. In the absence of the questioner or his/her representative a written reply will be given.

8. Supplementary question

8.1 A questioner who has put a question in person may also put one supplementary question without notice to the Member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Mayor may reject a supplementary question on any of the grounds in Rule 5 above.

9. Limitation on discussion

9.1 Every question shall be put and answered without discussion.

10. Written answers

10.1 Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the questioner or his/her representative or the Member (or in their absence their nominee) to whom it was to be put, will be dealt with by a written answer.

Procedure Rule 3 – Executive Functions

3.1 Decisions on Executive Functions

Discharge of Executive Functions

- 1.1.1 The Leader has responsibility for the discharge of all Executive functions and may delegate any/all of these functions to:
- i. The executive as a whole;
 - ii. A formally constituted Sub Committee of the Executive
 - iii. An individual Member of the Executive
 - iv. An individual Member of the Council (in the case of Ward Matters);
 - v. An Officer;
 - vi. An Area Committee
 - vii. Joint arrangements; or
 - viii. Another local authority

The Leader's Scheme of Delegation and Executive Functions

- 1.1.2 The Leader's Scheme of Delegation for Executive Functions, as set out in Part 3a of the Constitution, may only be agreed or amended by the Leader

Sub-delegation

- 1.1.3 Where the Leader, Executive, a Sub Committee of the Executive or an individual Member of the Executive is responsible for an Executive function, they may delegate further to an Area Committee, joint arrangements or an Officer

Discharge of delegated functions

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

Consultation

- 1.1.5 All reports on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and the Overview and Scrutiny Committee, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate

Decision making in Public or Private

- 1.1.6 Executive decisions which have been delegated to the Executive as a whole or to one of its Sub Committees will be taken at a meeting convened in accordance with Procedure Rule 1 – Access to Information, in Part 4 of this Constitution.
- 1.1.7 A decision on an Executive function must take place in public if:

Procedure Rule 3 – Executive Functions

- i. A Key Decision as defined in Article 14 is to be taken;
- ii. It relates to a Key Decision which is likely to be discussed in the presence of an Officer and the decision is likely to be made within 28 days of the meeting;
- iii. A Key Decision will be made or a matter relating to a Key Decision is to be discussed in the presence of an officer in a case where a Procedure Rule 3.5.6 and 3.5.7 (general exception) notice in relation to that decision has been given

1.1.8 Unless the public are excluded under Procedure Rule 1.10

1.2 Public Notices prior to making Key Decisions

28 Day Notice

- 1.2.1 Separate public notices must be placed on the website and be displayed at the Town Hall indicating the Key Decisions that are to be transacted in Public or Private meetings of the Executive within a 28 clear day period before the date of the meeting
- 1.2.2 Notices specifying business to be considered at a Private meeting of the Executive (together with reasons) must allow for representations to be made in relation to the matter being taken in a private meeting. A further notice must provide a statement of the response to such representations.

5 Day Notice

- 1.2.3 A further notice must be provided indicating the Key Decisions to be transacted within a 5 day period (i.e. a 5 Day Notice) before the date of the meeting.

1.3 Access to Information

- 1.3.1 Procedure Rule 1 – Access to Information applies to an Executive decision taken by Members or an individual Member at a meeting held in public, or where a Key Decision has been taken by an Officer, unless Procedure Rules 3.5.6 and 3.5.7 (general exception) or Procedure Rule 3.5.8 (special urgency) apply

1.4 Record of Decisions

- 1.4.1 As soon as reasonably practicable after an Executive decision has been taken by Members or an individual Member, or a Key Decision has been taken by an Officer, the Proper Officer will produce a record of the decision, a statement of the reasons for it and any alternative options considered and rejected. The provisions of Procedure Rules 1.5 and 1.7 to 1.9 (access to documents) will also apply to the making of decisions by individual Members of the Executive. This does not require the disclosure of exempt or confidential information.

1.5 Key Decisions

Definition of a Key Decision

- 1.5.1 The definition of a Key Decision is set out in Article 14 (Decision Making)

Who takes Key Decisions

1.5.2 Key Decisions can be taken by the Leader, Executive or one of its Sub Committees, Individual Executive Members or Officers with the appropriate delegated authority.

Procedure for taking a Key Decision in public

1.5.3 Subject to Procedure Rules 3.5.6 and 3.5.7 (general exception) and Procedure Rule 3.5.8 (special urgency), a Key Decision may not be taken unless:

- i. A 28 day notice has been published on the website in connection with the business to be transacted stating the purpose of the report; and
- ii. A 5 day notice has been published on the website in connection with the business to be transacted stating the purpose of the report; and
- iii. At least 5 clear working days have elapsed since the publication of the Agenda

Procedure for taking a Key Decision in Private

1.5.4 A 28 day notice will be published on the website indicating the nature and purpose of any Key Decision to be made in private within that forthcoming 28 day period.

28 Day Notice

1.5.5 The 28 day notice will describe the following particulars insofar as the information is available or might reasonably be obtained:

- i. The matter in respect of which a decision is to be made;
- ii. Where the decision maker is an individual his/her name and title, if any and where the decision maker is a body, its name and details of membership
- iii. The date on which the decision will be taken

Failure to give 28 Days Notice of Key Decisions (General Exception)

1.5.6 If a matter which is likely to be a Key Decision has not been included in the 28 Day Notice, then subject to Procedure Rule 3.5.8 (special urgency), the decision may still be taken provided that:

- i. The Proper Officer has informed the Chairman of the Overview and Scrutiny Committee in writing of the details of the decision to be made (or, if the Chairman is unable to act, each member of the Committee);
- ii. The Proper Officer gives notice of the details of the decision to be made and the reasons why it is impracticable to give 28 clear days notice; and
- iii. At least five clear days have elapsed between the notice given of the proposed business and the decision being taken

Procedure Rule 3 – Executive Functions

- 1.5.7 A notice, giving the reasons for why it is impractical to comply with the 28 Day Notice must be published on the Council's website

Special Urgency

- 1.5.8 If by virtue of the date by which a decision must be taken Procedure Rule 3.5.6 and 3.5.7 (general exception) cannot be followed, the decision can still be taken if the decision-maker has received the permission of the Chairman of the Overview and Scrutiny Committee, or if she/he is unable to act, the Mayor or Deputy Mayor, and a notice has been published stating that a decision is urgent and the reasons why it cannot reasonably be deferred.

Report to Council

- 1.5.9 If the Overview and Scrutiny Committee thinks that a Key Decision has been taken which was note:
- i. Included in the 28 Day Notice; or
 - ii. The subject of the general exception procedure; or
 - iii. The subject of an agreement with the Overview and Scrutiny Committee Chairman or the Mayor or Deputy Mayor of the Council under Procedure Rule 3.5.8
- 1.5.10 The Committee may require the Leader (or Executive decision maker) to submit a report to the Council within such reasonable time as the Committee specifies. The power to require a report rests with the Committee, but is also delegated to the Proper Officer, who shall require such a report on behalf of the Committee when so requested (by the Chairman or any 5 Members). Alternatively, the requirement may be raised by resolution passed at a meeting of the Overview and Scrutiny Committee.
- 1.5.11 The Leader (or Executive decision maker) will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 9 days of receipt of the written notice, or the resolution of the Committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual or body making the decision, and if the Leader (or Executive decision maker) is of the opinion that it was not a Key Decision the reasons for that opinion.

Quarterly Reports on Special Urgency Decisions

- 1.5.12 In any event the Leader (or Executive decision maker) will submit quarterly reports to the Council on the Executive decisions taken in the circumstances set out in Procedure Rule 3.5.8 (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

1.6 Meetings

Notice of Meetings

- 1.6.1 All Members shall have Notice of Public and Private Meetings where Executive decisions will be taken.

Executive Meetings

- 1.6.2 Meetings of the Executive will be set by the Leader and included in the Schedule of Meetings. Additional meetings shall be agreed by the Leader, as necessary.

Meetings of the Executive Sub Committees shall be called as and when required subject to complying with 28 Day Notice etc.

Public or Private Meetings of the Executive

- 1.6.3 Meetings of the Executive will generally be held in public. Items will be considered in private meetings of the Executive only if they qualify under the grounds to exclude the Press and Public set out in Procedure Rule 1 – Access to Information and following the publication of the 28 Day and 5 Day Notices.

Quorum

- 1.6.4 The quorum for a meeting of the Executive shall be one third of the total number of Members of the Executive, or 3, whichever is the larger.

Quorum for Sub Committee meeting of 5 is 3 Members.

Executive Agenda

- 1.6.5 The following may require an item to be considered at the next available meeting of the Executive:

- i. The Leader
- ii. Any Executive Member
- iii. The Council
- iv. The Overview and Scrutiny Committee
- v. The Managing Director, Monitoring Officer, and Chief Financial Officer

- 1.6.6 Any Non-Executive Member of the Council may ask the Leader to put an item on the Agenda of an Executive meeting and, if the Leader agrees, the item shall be included on the next Agenda.

Chairman

- 1.6.7 The Leader or in his/her absence the Deputy Leader will chair meetings of the Executive. If both Leader and Deputy Leader are absent then a person appointed by those Members of the Executive present shall chair the meeting.

- 1.6.8 The Conduct of the meeting shall be a matter for the Chairman.

- 1.6.9 When speaking a Member shall address the Chairman.

- 1.6.10 The ruling of the Chairman on the application of Procedure Rules or any proceedings of Executive meetings shall not be challenged.

Attendance at Meetings of the Executive

1.6.11 Meetings of the Executive will be open to all Councillors who may speak with the consent of the Leader (or person presiding, as appropriate)

Business of the Executive

1.6.12 At each meeting of the Executive the following business will be conducted:

1. Minutes of the last meeting;
2. Apologies for absence
3. Declarations of interest, if any;
4. Petitions
5. Matters referred to the Executive (whether by the Overview and Scrutiny Committee or by the Council) for reconsideration by the Executive in accordance with the provisions contained in Procedure Rule 5 – Overview and Scrutiny or Procedure Rule 6 – Policy Framework and Budget, set out in Part 4 of this Constitution
6. Consideration of reports from the Overview and Scrutiny Committee; and
7. Matters set out in the Agenda for the meeting, and which shall indicate which are Key Decisions and which are not in accordance with Procedure Rule 1 – Access to Information, set out in Part 4 of this Constitution

Voting

1.6.13 Voting shall be by a show of hands

1.6.14 A Member's vote for or against (or abstention) shall be recorded in the Minutes provided a request to do so is made by the Member immediately after the vote is taken.

1.6.15 In the case of an equality of votes the Chairman shall have a second or casting vote. The casting vote may be used whether or not the Chairman has already voted.

Petitions

1.6.16 The Executive will consider and deal with petitions in accordance with the Council's Petition Scheme

Disorderly Conduct

Members:

1.6.17 The Chairman shall warn a Member who behaves improperly.

1.6.18 If the Member continues the misconduct the Chairman may move that the Member be excluded from the meeting (in which case the Motion shall be put and determined without seconding or discussion)

1.6.19 If the Motion is approved the Member shall leave the room.

Public:

- 1.6.20 The Chairman shall warn a member of the public who interrupts the proceedings at any meetings.
- 1.6.21 If the interruption continues the Chairman shall order removal of the person concerned from the meeting.
- 1.6.22 In the case of general disturbance the Chairman shall order the public gallery to be cleared and, if appropriate, adjourn the meeting.

Minutes

- 1.6.23 The Minutes of every Executive meeting shall be available to all Members for the next Meeting for confirmation and signature by the Chairman. Where this is impractical, owing to the short time between meetings, or where the next meeting is a Special Meeting, the Minutes may be presented to the following meeting.
- 1.6.24 No discussion shall take place upon the Minutes other than on their accuracy. If no point of accuracy is raised or if it is raised then as soon as it has been disposed of, the Chairman shall sign the Minutes.

Urgent Business

- 1.6.25 Subject to Procedure Rules 3.5.6 and 3.5.7 (general exception) and Procedure Rule 3.5.8 (special urgency), if an item is not included on the Agenda it shall not be discussed unless the Leader is of the opinion that, by reason of special circumstances, which shall be specified in the Minutes, it should be considered at the meeting as a matter of urgency. Items of urgent business must be in writing for circulation to Members present (and Press and public, as appropriate) but may be supplemented by an oral report. Any urgent business must also comply with the Special Urgency provisions set out in Procedure Rule 3.5.8 (special urgency).

Suspension of Executive Procedure Rules

- 1.6.26 Subject to statutory provisions, the Chairman may decide to suspend these rules at a meeting of the Executive or Committee of the Executive, provided one half of its Members are present.

This page is intentionally left blank

Procedure Rule 4 – Committees and Sub-Committees

1.1 Appointment of Committees and Sub-Committees

- 1.1.1 The Council may appoint Committees and Sub Committees to carry out its non-Executive functions
- 1.1.2 Committees may appoint additional Sub-Committees with the approval of the Council.

1.2 Membership

- 1.2.1 With the exception of the Standards Committee and unless the Council decides otherwise, with no Member voting against, the Council and Committees shall appoint Members to Committees and Sub-Committees respectively in accordance with the statutory requirements for political balance.
- 1.2.2 For the Licensing and Regulatory Sub-Committees in addition to Chairman, the remaining membership shall be drawn from the Licensing and Regulatory Committee.
- 1.2.3 The Council shall review the allocation of seats on Committees and Sub-Committees to the Political Groups on the Council at its Annual Meeting and following any change in the membership of the Council as required by statute.

1.3 Appointment of substitute members of Committees and Sub Committees

- 1.3.1 With the exception of the Licensing and Regulatory Sub-Committee, when appointing Committees and Sub-Committees the Council or Committee respectively may appoint to each Committee or Sub-Committee substitute Members for each Political Group on the Council in accordance with the wishes of the Group and such substitute may take the place of any Member of that Group who is a Member of the particular Committee or Sub Committee for the meeting when such Member is absent;

Subject to:

- 1.3.2 The substitution being notified to the Managing Director (or an Officer representing the Managing Director) no later than when the “Apologies for Absence and Substitutions” item is called on the Agenda
- 1.3.3 In the event of the Committee Member arriving after the substitution has been made that Member shall forthwith resume membership of the Committee or Sub Committee and the substitute Member shall forthwith cease to be a member of the Committee or Sub Committee and such member shall then only have the rights set out in Procedure Rule 4.19; and
- 1.3.4 Substitutions may only take effect from when the “Apologies for Absence and Substitutions” item is called on the Agenda and may not be expressed to take effect at any later time.

(NOTE: Group Leaders will be expected to ensure that nominated substitutes have received appropriate training on the role and functions of the relevant Committee.)

1.4 Suspension of Committee and Sub-Committee Procedure Rules

Procedure Rule 4 – Committees and Sub-Committees

- 1.4.1 Subject to statutory provisions, a Committee or Sub Committee may decide to suspend any part of Procedure Rule 4 – Committee and Sub-Committee at a Committee or Sub-Committee meeting provided one half of its Members are present

1.5 Ruling of the Chairman

- 1.5.1 The ruling of the Chairman on the application of Procedure Rules or any proceedings of the Committee or Sub Committee shall not be challenged.

1.6 Conduct of Meetings

- 1.6.1 The conduct of the meeting shall be a matter for the Chairman.

- 1.6.2 When speaking a Member shall address the Chairman.

1.7 Disorderly Conduct

Members

- 1.7.1 The Chairman shall warn a Member who behaves improperly. If the Member continues the misconduct the Chairman may move that the Member be excluded from the meeting (in which case the Motion shall be put and determined without seconding or discussion); if the Motion is approved the Member shall leave the room.

Public

- 1.7.2 The Chairman shall warn a member of the public who interrupts the proceedings at any meeting. If the interruption continues the Chairman shall order removal of the person concerned from the room. In the case of general disturbance the Chairman shall order the public gallery to be cleared and, if appropriate, adjourn the meeting.

1.8 Meetings of Committees and Sub Committees

Ordinary Meetings

- 1.8.1 Ordinary Meetings will be held on the dates set out in a Schedule of Meetings agreed by the Council and published annually on the website at the start of each municipal year.

Special Meetings

- 1.8.2 The Chairman may call a Special Meeting of a Committee or Sub Committee at any time.
- 1.8.3 If following a request from five Members of the Committee or Sub Committee or one third of its membership, whichever is the greater, the Chairman refuses to call a Special Meeting or fails to call it within seven days, then any five Members of the Committee or Sub Committee may call the meeting.

Time

- 1.8.4 With the exception of Licensing and Regulatory Sub Committees all Committee and Sub Committee Meetings shall start at 7.30 p.m. unless otherwise agreed by the Chairman of the Committee or Sub Committee

- 1.8.5 In the case of Licensing and Regulatory Sub Committees, meetings shall be held during the day or evening at a time to be agreed by the Chairman.

Change of Date or Time of Meetings

- 1.8.6 The Chairman may change the date and/or time or cancel a meeting of the Committee or Sub Committee due to lack of business or other special circumstances.

1.9 Quorum

- 1.9.1 The Quorum of a Committee or Sub-Committee meeting shall be one third of the membership but not less than three Members.

- 1.9.2 If there is not a quorum present, the meeting shall be adjourned for fifteen minutes.

- 1.9.3 If after fifteen minutes there is still not quorum, the Chairman may decide to adjourn the meeting further, failing which all uncompleted business shall be deferred to the next Ordinary Meeting or such other date as may be determined by the Chairman.

1.10 Adjournment

- 1.10.1 A Committee or Sub-Committee may adjourn a meeting at any time.

- 1.10.2 If the business is not completed by 10.30 p.m. the Committee or Sub-Committee may decide in relation to all or part of the remaining business to:

- a. Determine items without debate
- b. Continue the meeting to complete all or part of the outstanding business
- c. Refer the business to the next Ordinary Meeting
- d. Adjourn to a specific date

1.11 Order of business at first meeting of Committees and Sub-Committees

- 1.11.1 The order of business at the first meeting of each Committee in the Municipal Year shall be:

1. Election of Chairman
2. Election of Vice-Chairman
3. Minutes
4. Apologies for absence and substitutions
5. Declarations of interest
6. Appointment and Membership of Sub-Committees
7. Any other business specified on the Agenda

- 1.11.2 For the election of the Chairman for the Municipal Year, the Managing Director's representative shall conduct the election of the Chairman. In the event of an equality of votes the matter shall be deferred to the next meeting.

- 1.11.3 Every Sub-Committee shall at its first meeting, before dealing with other business, elect a Chairman and Vice-Chairman for the Municipal Year

1.12 Absence of Chairman and Vice-Chairman

- 1.12.1 In the absence of the Chairman, the Vice-Chairman shall take the Chair. In the absence of the Chairman and Vice-Chairman, a Chairman for the meeting shall be elected. Any power or duty of the Chairman in relation to the conduct of the meeting may be exercised by the person in the Chair.

1.13 Vote of no confidence in Chairman

- 1.13.1 A Member wishing to move a vote of no confidence in the Chairman shall ask for an appropriate item to be included on the Agenda of the next meeting of the Committee or Sub-Committee.
- 1.13.2 During consideration of the Motion the Chairman shall vacate the Chair which shall be taken by the Vice-Chairman. In the absence of the Vice-Chairman, another Member shall be elected for this purpose.
- 1.13.3 In the event of the Motion of no confidence being carried at a Committee or Sub-Committee the Member shall cease to be Chairman forthwith and the person presiding shall remain in the Chair for the rest of the meeting. The election of a new Chairman shall be the first item on the Agenda of the next meeting of the Committee or Sub-Committee.

1.14 Voting in Committees and Sub-Committees

- 1.14.1 Voting at a Committee or Sub-Committee shall be by show of hands
- 1.14.2 A Member's vote for or against (or abstention) shall be recorded in the Minutes provided a request to do so is made by the Member immediately after the vote is taken.
- 1.14.3 In the case of an equality of votes the Chairman shall have a second or casting vote. The casting vote may be used whether or not the Chairman has already voted.

1.15 Minutes

- 1.15.1 The Minutes of every Committee and Sub-Committee meeting shall be circulated to all Members and with the exception of the Licensing Sub-Committees presented to the next meeting for confirmation and signature by the Chairman. Where this is impractical, owing to the short time between meetings, or where the next meeting is a Special Meeting, the Minutes may be presented to the next following meeting.
- 1.15.2 The Minutes of the Licensing and Regulatory Sub-Committee shall be submitted to either the next meeting of the Licensing and Regulatory Sub-Committee or to the next meeting of the Licensing and Regulatory Committee (whichever is the sooner) for confirmation and signature by the Chairman provided at least one Member of the Sub-Committee whose Minutes are being considered for approval is present.

1.15.3 No discussion shall take place upon the Minutes other than on their accuracy. If no point of accuracy is raised, or if it is raised then as soon as it has been disposed of, the Chairman shall sign the Minutes.

1.16 Urgent Business

1.16.1 If an item is not included on the Agenda it shall not be discussed unless the Chairman is of the opinion that, by reason of special circumstances, which shall be specified in the Minutes, it should be considered at the meeting as a matter of urgency. Items of urgent business must be in writing for circulation to the Members present (and Press and public, as appropriate) but may be supplemented by an oral report.

1.17 Petitions

1.17.1 Committees will deal with petitions in accordance with the Council's Petition Scheme

1.18 Agenda Items

1.18.1 A Member may ask for an item to be included on the Agenda of a Committee or Sub-Committee

1.19 Attendance by non-Members

1.19.1 All Members have the right to attend a meeting of a Committee or Sub-Committee except meetings of the Employment Committee where appointments/disciplinary/dismissal or appeals are being considered. Only the Leader or Deputy Leader and relevant Executive Member(s) shall have the right to attend meetings of the Employment Committee for appointments.

1.19.2 A Member who moved a Motion at Council which has been referred to a Committee or Sub-Committee shall have the right to present the Motion to the Committee or Sub-Committee

1.19.3 Subject to Procedure Rule 4.19.2 non-Members of the Committee or Sub-Committee may only speak with the agreement of the Chairman.

1.20 Notice and Agenda of Meetings

1.20.1 All Members shall have Notice of Meetings of Committees and Sub-Committees

1.20.2 All Members are entitled to receive Agenda of Committees and Sub-Committees

1.21 Committee Protocols

1.21.1 A Committee may agree detailed operational protocols such as for public speaking arrangements. Any protocol agreed will be published on the website.

This page is intentionally left blank

Procedure Rule 5 – Overview and Scrutiny

5.1 Arrangements for Overview and Scrutiny

5.1.1 The Council will appoint the Overview and Scrutiny Committee(s) set out in Article 8 and will appoint them as it considers appropriate from time to time

5.1.2 Such Committees may appoint ad hoc Panels for specific tasks on completion of which they cease to exist.

5.2 Overview and Scrutiny Committee Membership

5.2.1 All Councillors except Members of the Executive may be Members of the of Overview and Scrutiny Committee and Panels appointed by it.

5.2.2 However, no Member may be involved in scrutinising a decision in which he/she has been directly involved.

5.3 Co-optees

5.3.1 The Overview and Scrutiny Committee or its Panels shall be entitled to appoint a number of people as non-voting co-optees.

5.4 Meetings of the Overview and Scrutiny Committee

5.4.1 Scheduled meetings of the Overview and Scrutiny Committee will be agreed each year.

5.4.2 In addition, extraordinary meetings may be called from time to time as and when appropriate.

5.4.3 An Overview and Scrutiny Committee meeting may be called by the Chairman, by any 5 Members of the Committee or by the Proper Officer if he/she considers it necessary or appropriate.

5.5 Quorum

5.5.1 The Quorum for the Overview and Scrutiny Committee shall be 5 Members.

5.6 Committee and Sub-Committee Procedure Rules

5.6.1 Procedure Rule 4 – Committee and Sub-Committee applied to the Overview and Scrutiny Committee

5.7 Work Programme

5.7.1 Following consultation with the Leader, the Overview and Scrutiny Committee will set its own work programme and in doing so they shall take into account the wishes of Members on that Committee who are not Members of the largest political group on the Council.

5.7.2 The annual work programme shall be agreed by Council.

5.8 Agenda Items

5.8.1 Any Member of the Council may ask for an item to be included on the Agenda of the Overview and Scrutiny Committee.

5.8.2 The Overview and Scrutiny Committee shall also respond, as soon as its work programme permits, to requests from the Council and, if it considers it appropriate, the Leader to review particular areas of Council activity.

5.8.3 Where it does so, the Overview and Scrutiny Committee shall report its findings and any recommendations back to the Leader and/or Council for consideration within one month of receiving it or during the next cycle of meetings.

5.9 Policy Review and Development

5.9.1 The role of the Overview and Scrutiny Committee in relation to the development of the Council's budget and policy framework is set out in Procedure Rule 6 – Policy Framework and Budget.

5.9.2 The Overview and Scrutiny Committee may make proposals to the Leader for policy review and developments insofar as they relate to matters within its Terms of Reference.

5.9.3 The Committee, or Panels appointed by it, may hold inquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process.

5.9.4 It may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that it reasonably considers necessary to inform its deliberations.

5.9.5 It may ask witnesses to attend to address it on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so (subject to approval of the Overview and Scrutiny Committee in the case of Panels.)

5.10 Reports from Overview and Scrutiny Committee

5.10.1 Once it has formed recommendations on proposals (upon the advice of a Panel, as appropriate) for consideration, the Overview and Scrutiny Committee will forward the recommendations to the Proper Officer for referral to the Leader (or relevant Executive decision maker) or in the case of non-Executive functions to the Council.

5.10.2 If the Overview and Scrutiny Committee (or a Panel appointed by it) cannot agree on one single final report to the Council or Leader as appropriate, then up to one majority report may be prepared and submitted for consideration with the majority report.

5.10.3 Following referral of a report under Procedure Rule 5.10.1, the Council or Leader shall consider the report within the next cycle of meetings unless the Chairman of the Overview and Scrutiny Committee agrees otherwise with the Leader (Executive functions) or the Mayor (non-Executive Functions).

5.10.4 In the case of Executive functions, after consideration of the report the Leader (or relevant Executive decision maker) shall:

Procedure Rule 5 – Overview and Scrutiny

a. Make recommendations to Council where there are policy and budget framework implications; or

b. report on the outcome to the Overview and Scrutiny Committee

5.10.5 If for any reason the Executive decision maker does not consider the Overview and Scrutiny report in line with Procedure Rule 5.10.3 above then the matter will be referred to Council for review or determination, and the Proper Officer will call a Council meeting to make a determination or to make a recommendation to the Leader.

5.11 Rights of Overview and Scrutiny Committee Members to Documents

5.11.1 In addition to their rights as Councillors, Members of the Overview and Scrutiny Committee have the additional rights to documents, and to notice of meetings as set out in Procedure Rule 1 – Access to Information in Part 4 of this Constitution.

5.11.2 Nothing in this paragraph prevents more detailed liaison between the Leader/Executive and Overview and Scrutiny Committee as appropriate depending on the particular matter under consideration.

5.11.3 Upon request from a member of the Overview and Scrutiny Committee, the Executive must make available any material relating to business associated with past decisions. This must be provided as soon as reasonably practicable and no later than 10 clear days after the request is made.

5.11.4 Exempt information can be excluded in relation to the provision at Procedure Rule 5.11. 3 above unless it relates to an action or decision that the Member is scrutinising, or to any review in the Overview and Scrutiny Committee's work programme. Overview and Scrutiny Members are not entitled to any exempt material which contains advice provided by a political advisor or assistant.

5.11.5 In the event that the Executive determines that material will not be provided, it must set out in writing the reasons for its decision.

5.12 Members and Officers Giving Account

5.12.1 The Overview and Scrutiny Committee or a Panel appointed by it may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions.

5.12.2 As well as reviewing documentation, in fulfilling the scrutiny role, it may require any Member of the Executive, the Managing Director and/or any Senior Officer and above 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 (outside the Council's disciplinary process)

1.12.3 and it is the duty of those persons to attend if so required.

Procedure Rule 5 – Overview and Scrutiny

- 1.12.4 Where any Member or Officer is required to attend an Overview and Scrutiny Committee (or Panel) under this provision, the Chairman of that Committee or Panel will inform the Proper Officer.
- 1.12.5 The Proper Officer shall inform the Member or Officer in writing giving at least 10 working day notice of the meeting at which he/she is required to attend.
- 1.12.6 The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee or Panel.
- 1.12.7 Where the account to be given to the Committee or Panel 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.
- 1.12.8 Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date, then the Overview and Scrutiny Committee or Panel shall in Consultation with the Member or Officer arrange an alternative date for attendance to take place within a maximum of 10 working days from the originally required date.

5.13 Attendance by Others

- 5.13.1 The Overview and Scrutiny Committee or a Panel appointed by it may invite people other than those people referred to in Procedure Rule 5.12 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 may invite such people to attend.

5.14 Call-In

- 5.14.1 Call-in should only be used in exceptional circumstances. These are where Members of the Council have evidence which suggests that an Executive decision was not taken in accordance with the principles set out in Article 14 (Decision Making.)
- 5.14.2 When a decision is made by the Leader, the Executive, an individual Member of the Executive, or a Key Decision is made by an Officer with delegated authority from the Leader or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within 3 working days of being made. The schedule of decisions will be published on Mod Gov, within the same timescale.
- 5.14.3 The notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision unless it is subject to 'call-in'.
- 5.14.4 During that period, the Proper Officer shall call-in a decision for scrutiny by the Overview and Scrutiny Committee if so requested by written notice signed by any five Members of the Council stating the reasons for the call-in and requesting the attendance of any Member or Officer under Procedure Rule 5.12.
- 5.14.5 The Proper Officer shall then notify the decision-maker of the call-in.

Procedure Rule 5 – Overview and Scrutiny

- 5.14.6 He shall call a meeting of the Committee to be held on such date as he may determine, where possible after consultation with the Chairman of the Committee, and in any case within 15 working days of the decision to call-in.
- 5.14.7 If, having considered the decision, the Overview and Scrutiny Committee is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or, if the item is major or has significant public interest, refer the matter to full Council.
- 5.14.8 If referred to the decision-maker they shall then reconsider the decision, amending the decision or not, before adopting a final decision.
- 5.14.9 If following an objection to the decision, the Overview and Scrutiny Committee does not meet in the 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 meeting, or the expiry of that further 15 working day period, whichever is the earlier.
- 5.14.10 If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below.
- 5.14.11 However, if the Council does object it has no locus 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. 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.
- 5.14.12 That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it.
- 5.14.13 Where the decision was taken by the Executive as a whole a meeting will be held to reconsider within 15 working days of the Council request.
- 5.14.14 Where the decision was made by an individual, the individual will reconsider within 15 working days of the Council request.
- 5.14.15 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.

5.15 Call-in and urgency

- 5.15.1 The Call-in procedure set out above shall not apply where the decision being taken is urgent.
- 5.15.2 A decision will be urgent if any delay likely to be caused by the call-in process would, for example, seriously prejudice the Council's or the public's interests.

Procedure Rule 5 – Overview and Scrutiny

- 5.15.3 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.
- 5.15.4 The Mayor must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency.
- 5.15.5 In the absence of the Mayor the Deputy Mayor's consent shall be required.
- 5.15.6 In the absence of both, the Managing Director or his/her nominee's consent shall be required.
- 5.15.7 Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
- 5.15.8 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.

5.16 The Party Whip

- 5.16.1 When considering any matter in respect of which a Member of an Overview and Scrutiny Committee or Panel is subject to a Party Whip, the Member must declare the existence of the Whip and the nature of it before the commencement of the Committee's deliberations on the matter.
- 5.16.2 The declaration, and the whipping arrangements, shall be recorded in the Minutes of the meeting.

5.17 Procedure at Overview and Scrutiny Committee Meetings

- 5.17.1 The Overview and Scrutiny Committee shall consider the following business:
- i. Minutes of the last meeting
 - ii. Apologies for absence and substitutions
 - iii. Declarations of interest (including whipping declarations)
 - iv. Consideration of any matter referred to the Committee for a decision in relation to call in of a decision
 - v. Responses of an Executive decision maker to reports of the Overview and Scrutiny Committee; and
 - vi. The business otherwise set out on the Agenda for the meeting
- 5.17.2 Where the Overview and Scrutiny Committee or Panels appointed by it conduct investigations (e.g. with a view to policy development), the Committee may also ask people to attend to give evidence at Committee meetings which are to be conducted in accordance with the following principles:
- i. That the investigation be conducted fairly and all Members of the Committee or Panel be given the opportunity to ask questions of attendees, and to contribute and speak

- ii. That those assisting the Committee or Panel by giving evidence be treated with respect and courtesy; and
- iii. That the investigations be conducted so as to maximise the efficiency of the investigation or analysis

5.18 Councillor Call for Action

5.18.1 The Overview and Scrutiny Committee will consider a Councillor Call for Action (CCFA) that:

- i. Has been submitted in relation to a matter that affects a single Ward;
- ii. Has been submitted by a Councillor from the Ward affected;
- iii. Is in relation to a Local Government matter (including the ‘wellbeing’ powers under the Local Government Act 2000)
- iv. Demonstrates that all existing avenues have been exhausted and that this is a matter of a ‘last resort’
- v. Has been submitted on the prescribed request form
- vi. Adheres to the process set out in the flowchart diagram at Annex 1 attached; and
- vii. States:
 - a. The nature of the issue
 - b. What action has been taken to resolve the issue
 - c. An outline of the resolution to the problem being sought; and
 - d. An indication of any other organisations involved in the CCFA

5.18.2 The Overview and Scrutiny Committee will not consider a Councillor Call for Action (CCCFA) that:

- i. Is vexatious, persistent, unreasonable, or a discriminatory request; and
- ii. Is in relation to a Planning, Licensing, or Regulatory application

5.19 Crime and Disorder – Detailed Operational Arrangements

5.19.1 For the purposes of the Crime and Disorder (Overview and Scrutiny) Regulations 2009 that the following detailed operational arrangements be put in place for the “Crime and Disorder Committee”, i.e. the Overview and Scrutiny Committee.

Co-opting Members onto the ‘Crime and Disorder Committee’

1.19.2 The Committee may co-opt additional Members to serve on the Crime and Disorder Committee.

Such Members:

1.19.3 Cannot vote on any particular matter unless the Committee so determines.

1.19.4 May have membership limited to the exercise of the Committee’s powers in relation to a particular matter or type of matter;

Procedure Rule 5 – Overview and Scrutiny

- 1.19.5 Must be either an employee, officer or member of a responsible authority or of a co-operating person or body;
- 1.19.6 Must not be a Member of the Executive of the Committee's local authority (or authorities);
- 1.19.7 May have their membership withdrawn at any time by the Committee.

Frequency of Meetings

- 1.19.8 The Committee shall meet to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions as the committee considers appropriate but no less than once in every twelve month period.

Information Provision

- 1.19.9 Where the Committee makes a request in writing for information from the responsible authorities or the co-operating persons or bodies the information must be provided no later than the date indicated in the request.
- 1.19.10 If some or all of the information cannot reasonably be provided on such date, then that information must be provided as soon as is reasonably possible.
- 1.19.11 The information provided should be depersonalised unless the identification of an individual is necessary or appropriate in order to enable the Committee to properly exercise its powers.
- 1.19.12 This information should not include anything that is likely to prejudice legal proceedings or current or future operations of the responsible authorities, whether action together or individually, or of the co-operating persons or bodies.

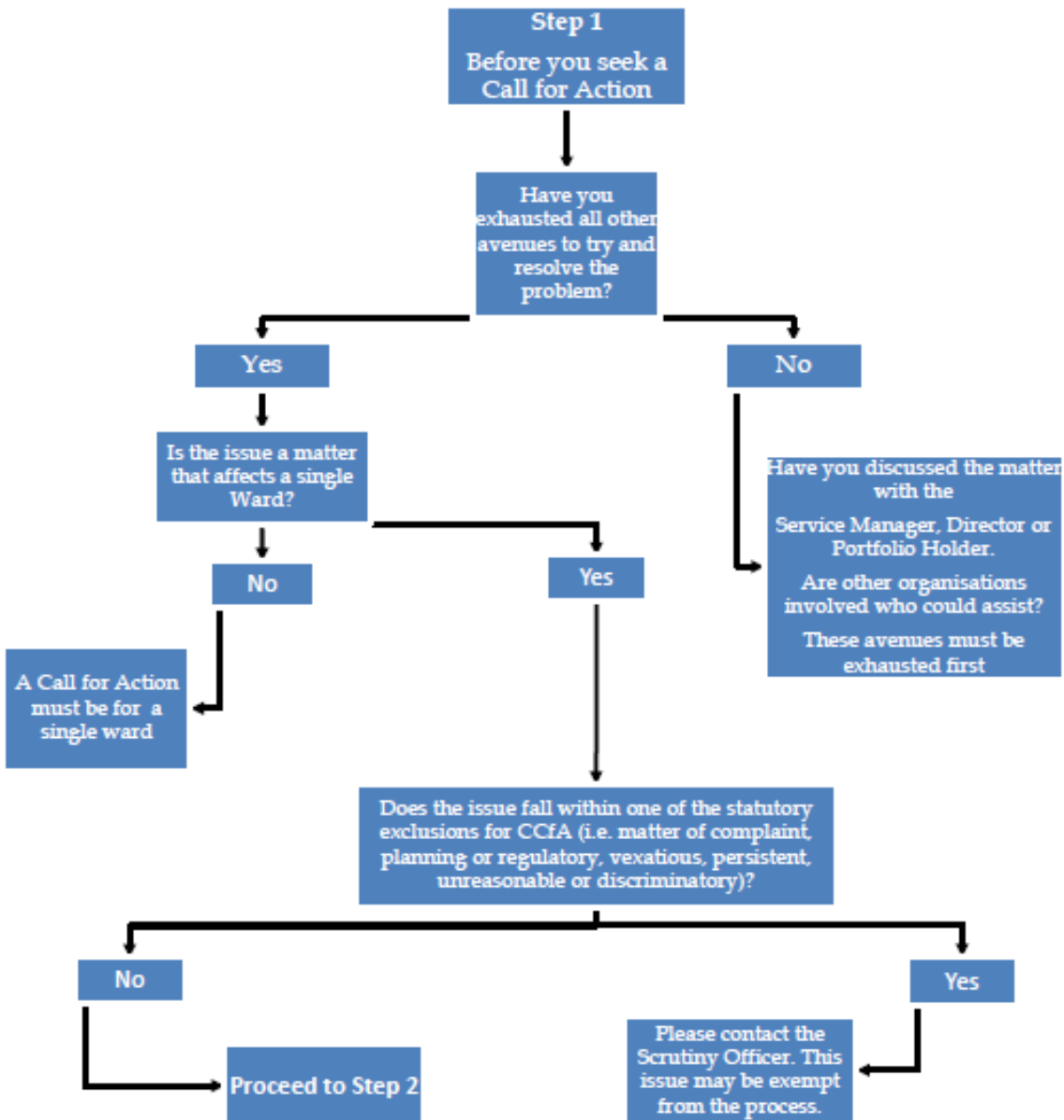
Attendance at Committee Meetings

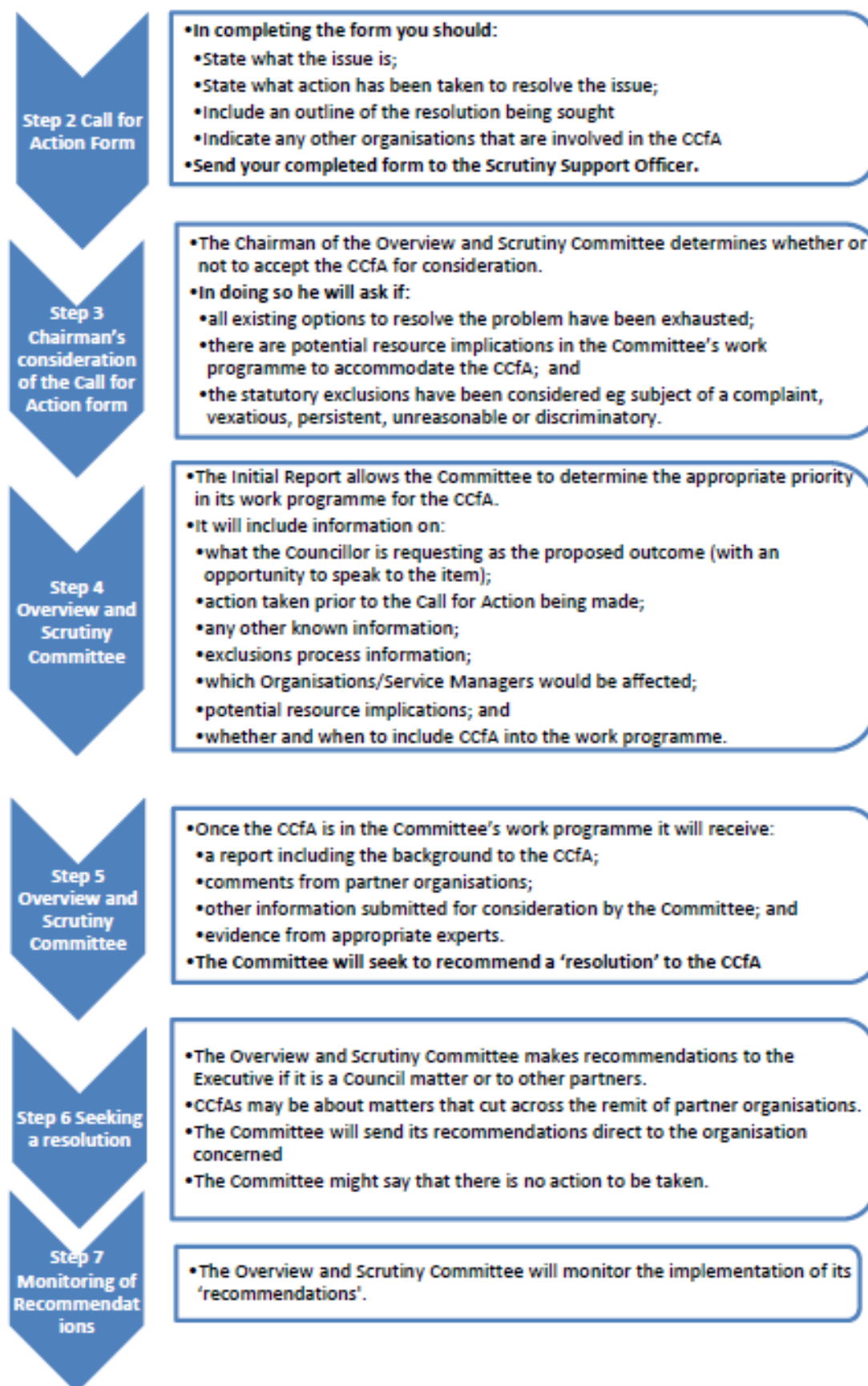
- 1.19.13 The Committee may require the attendance before it of an officer or employee of a responsible authority or of a co-operating person or body in order to answer questions.
- 1.19.14 Reasonable notice must be given of the intended date of attendance.

Reports and Recommendations

- 1.19.15 A report or recommendations from the Committee to a responsible authority or to a co-operating person or body require a written response from that body within a period of 28 days from the date of the report or recommendations or, if that is not reasonably possible, as soon as practicable thereafter.

Annex 1 – Councillors Call for Action Process





Procedure Rule 6 – Policy Framework and Budget

1.1 The Framework for Executive Decisions

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

1.2 Process for Development the Framework

- 1.2.1 The Leader will publicise by any methods that he/she feels appropriate, e.g. on the Council's website or in local press, a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the policy framework and budget and its arrangements for consultation after publication of those initial proposals.
- 1.2.2 The Chairman of the Overview and Scrutiny Committee will also be notified.
- 1.2.3 The consultation period shall be not less than 8 weeks.
- 1.2.4 At the end of that period, the Leader (or Executive decision maker) will then draw up firm proposals for submission to Council having regard to the consultation responses, including any from the Overview and Scrutiny Committee
- 1.2.5 Once the firm proposals have been approved, the Proper Officer will refer them at the earliest opportunity to the Council for decision.
- 1.2.6 In reaching a decision, the Council may adopt the proposals, amend them, refer them back to the Executive decision maker for further consideration, or in principle, substitute its own proposals in their place.
- 1.2.7 If it accepts the recommendation without amendment, the Council may make a decision which has immediate effect.
- 1.2.8 Otherwise, it may only make an in-principle decision
- 1.2.9 In either case, the decision will be made on the basis of a simple majority of votes cast at the meeting
- 1.2.10 The decision will be publicised in accordance with Article 4 and a copy shall be placed on the Mod Gov library.
- 1.2.11 An in-principle decision will automatically become effective 5 clear working days from the date of the Council's decision, unless the Leader has informed the Proper Officer in writing within that period that he/she objects to the decision becoming effective and provides reasons why
- 1.2.12 In that case, the Proper Officer will call a Council meeting within a further 15 working days
- 1.2.13 At that meeting the Council will be required to re-consider its decision and the Leader's written submission.

1.2.14 The Council may:

- a. Approve the Executive decision maker's recommendation by a simple majority of votes cast at the meeting; or
- b. Approve a different decision which does not accord with the recommendation of the Executive decision maker by a simple majority

1.2.15 The decision shall then be made public in accordance with Article 4, and shall be implemented immediately

1.2.16 In approving the policy framework and budget, the Council will also specify the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken by the Leader (or Executive decision maker) in accordance with Procedure Rules 6.5 and 6.6 (virement and in-year adjustments.)

1.2.17 Any other changes to the policy framework and budget are reserved to the Council.

1.2.18 Once the policy framework and budget has been established, it will be annually costed to the 'Approved Budget'

1.2.19 This budget will then be recommended by the Leader (or Executive decision maker) to the Council as their budget requirement for that financial year.

1.2.20 Once approved by the Council the budget will then form the basis for the levying of Council Tax.

(NOTE: A flow chart showing the decision making process for Policy Framework documents (Article 4) is set out in Procedure Rule 6 Annex 1)

1.3 Decision Outside the Policy Framework and Budget

1.3.1 Subject to the provisions of Procedure Rule 6.5 the Leader (or Executive decision maker) may only take decisions which are in line with the policies in place at that time and any associated budgets.

1.3.2 If the Leader (or Executive decision maker) wishes to make a decision which is contrary to the policies, or not in accordance with the approved budget, then that decision may only be taken by the Council, subject to Procedure Rule 6.4 below.

1.3.3 If the Leader (or Executive decision maker) wants to make such a decision, advice shall be taken from the Monitoring Officer and the Chief Finance Officer.

1.3.4 If the advice of either of those Officers is that the decision would not be in line with the existing budget and/or policy, then the decision must be referred to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in Procedure Rule 6.4 shall apply.

1.4 Urgent decisions outside the Policy Framework and Budget

Procedure Rule 6 – Policy Framework and Budget

- 1.4.1 This procedure covers decisions contrary to the current policies of the Council and not in accordance with the budget.
- 1.4.2 The Leader (or Executive decision maker) may take a decision which is contrary to the Council's policy framework or not in accordance with the budget approved by Full Council if the decision is a matter of urgency.
- 1.4.3 However, the decision may only be taken:
- i. If it is not practical to convene a quorate meeting of the full Council; and
 - ii. If the Chairman of the Overview and Scrutiny Committee agrees that the decision is a matter of urgency
- 1.4.4 The reasons why it is not practical to convene a quorate meeting of full Council and the Chairman (or in his/her absence, the Vice Chairman) of the relevant Overview and Scrutiny Committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision.
- 1.4.5 In the absence of the Chairman of the Overview and Scrutiny Committee the consent of the Mayor or in his absence the Deputy Mayor will be sufficient.
- 1.4.6 Following the decision, the decision maker 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.

1.5 Virement

- 1.5.1 The Council operates a series of Service budgets which form the basis of the Council's overall budget requirement.
- 1.5.2 Steps taken by the Leader to implement Council policy shall not exceed those budgets allocated to each budget area.
- 1.5.3 However, the Leader shall be entitled to vire across service budget areas up to a maximum of £250,000 per request.
- 1.5.4 Beyond that limit, approval to any virement across service budget areas shall require the approval of the full Council (see Annex 3 (Scheme for Amendment of the Revenue Budget) to Procedure Rule 7 – Financial, for further details.)

1.6 In-year Changes to Policy Framework

- 1.6.1 The responsibility for agreeing the Policy framework and budget lies with the Council, and decisions by the Leader / Executive Decision Maker, individual Members of the Executive or Officers, or joint arrangements discharging executive functions must be in line with it.
- 1.6.2 No changes to any policy and strategy which make up the policy framework may be made by those bodies or individuals except those changes:

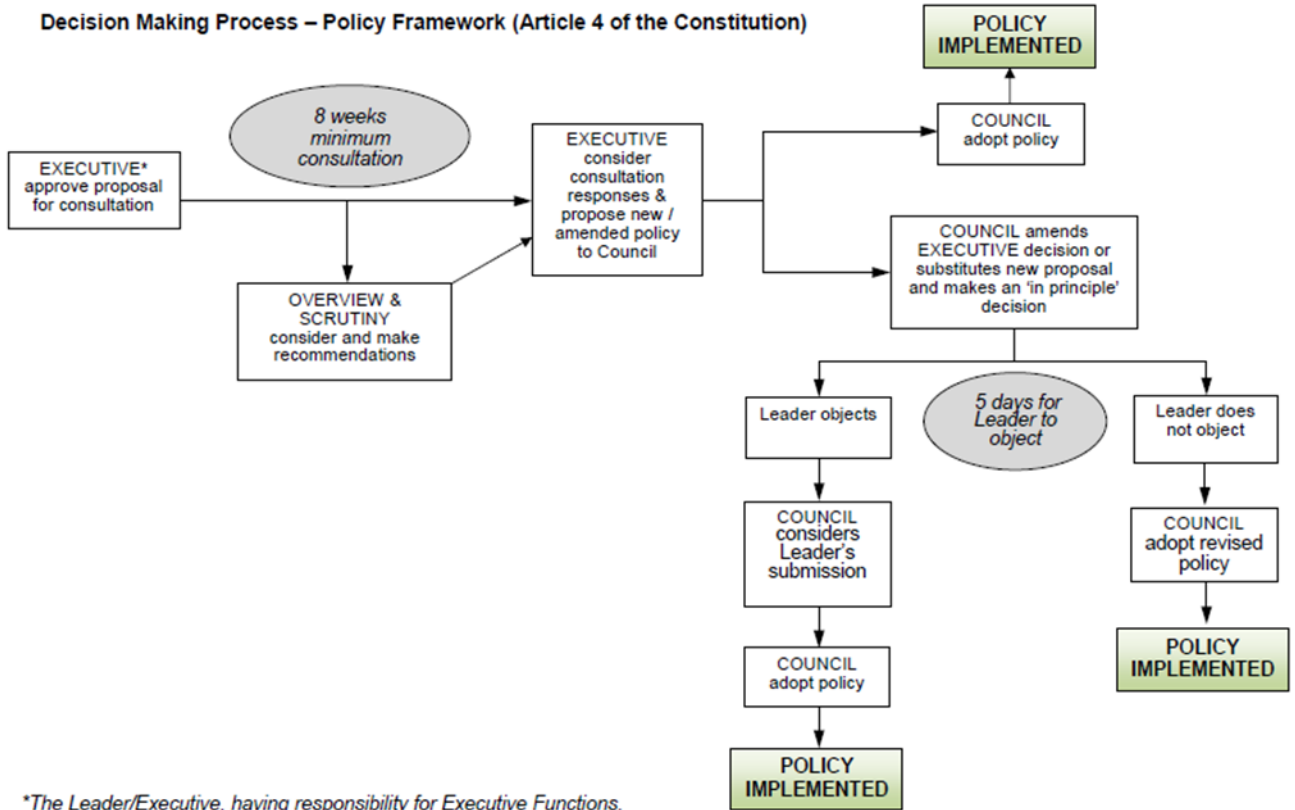
Procedure Rule 6 – Policy Framework and Budget

- i. Which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;
- ii. Necessary to ensure compliance with the law, ministerial direction or Government guidance;
- iii. 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.

1.7 Call-in of decisions outside the Policy Framework and Budget

- 1.7.1 Where the Overview and Scrutiny Committee is of the opinion that an Executive decision 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.
- 1.7.2 The process for the Call-in of such decisions is set out in Procedure Rule 5 – Overview and Scrutiny Committee

Decision Making Process – Policy Framework (Article 4 of the Constitution)



**The Leader/Executive, having responsibility for Executive Functions. Please refer to the Responsibility for Functions in Part 3 of the Constitution.*

This page is intentionally left blank

Financial Procedure Rules

PURPOSE

The Council is required by law to conduct its business efficiently and to ensure that it has sound financial management policies in place, to which it strictly adheres. Part of this process is the establishment of Financial Procedure Rules, which set out the financial policies of the Council. Financial Procedure Rules apply to every Member and Officer of the Council and anyone acting on its behalf.

The Financial Procedure Rules provide the framework for managing the Council's financial affairs and for resources that the Council and its officers manage on behalf of others. The Rules identify the financial responsibilities of Council, the Leader/Executive, the Audit Committee, other Members, the Managing Director, the Chief Finance Officer, the Monitoring Officer, Directors and Heads of Service, and those other officers reporting directly to a Head of Service.

The Chief Finance Officer is the Officer required by Section 151 of the Local Government Act to be responsible for the proper administration of the Council's financial affairs. They are the financial advisor to the Council and exercise control over all financial matters, accounting records and control systems.

The Financial Procedure Rules set out the minimum requirements to be followed and must be read in conjunction with the information and guidelines set out in the Council's Financial Practice Notes which are published on the Council's intranet under the Finance section.

The Financial Procedure Rules are to be read in conjunction with the section on Responsibility for Functions and the Officer Scheme of Delegation at Part 3 of the Constitution.

They comprise the following sections:

1. Responsibilities
2. Internal Control
3. Risk Management and Insurance
4. Preventing Financial Irregularities
5. Internal Audit
6. External Audit
7. Annual Statement of Accounts
8. Accounting Policies
9. The Revenue Budget
10. Administration of Amendments to the Revenue Budget (Virements)
11. In-Year Revenue Budget Monitoring and Management
12. Treatment of Year End Revenue Budget Carry-Forwards

13. Revenue Budget Reserves
14. Capital Programme and Capital Funding
15. Contract Monitoring
16. Security of Assets
17. Disposal of Assets
18. Inventories, Stocks and Stores
19. Petty Cash and Imprest Accounts
20. Charitable Trust Funds
21. Financial Information Systems
22. Partnership and External Funding Arrangements
23. Treasury Management
24. Payments to Officers and Members
25. Ordering and Paying for Work, Goods and Services
26. Income Collection and Debt Management
27. Banking Arrangements
28. Taxation

Annex 1 – WRITE OFF PROCEDURES FOR BAD DEBTS

Annex 2 – GUIDANCE ON THE DESTRUCTION OF DOCUMENTS

Annex 3 – SCHEME FOR AMENDMENTS OF THE REVENUE BUDGET

Annex 4 – PROCEDURE FOR REPORTING CONTRACT
OVER/UNDERSPENDS

Application

Financial Procedure Rules apply to all of the Council's financial activities.

Financial management covers all financial accountabilities in relation to the running of the Council, including the Policy and Budget Framework and these Procedure Rules.

The Financial Procedure Rules apply to every Member and Officer of the Council, and to trustees, directors and officers of council-related trusts, and of any council-related party, trust or company, and to anyone acting on its behalf.

Directors and Heads of Service, and those other officers reporting directly to a Head of Service must inform the Chief Finance Officer of any matter within their area of responsibility which is likely to have significant financial consequences. All financial implications in any report prepared for Members must be referred to the Chief Finance Officer for approval and must be presented in the manner agreed with the Chief Finance Officer.

Directors and Heads of Service, and those other officers reporting directly to a Head of Service must consult with Chief Finance Officer with respect to any matter within their area of responsibility which is likely to materially affect the finances of the Council before any commitment is incurred and before any report is made to Members.

Officers must read these procedure Rules in conjunction with the other documents which form part of the Council's Constitution.

An Officer to whom a responsibility is delegated under these Rules may authorise another Officer to act on their behalf but accountability remains with the authorising Officer.

Officers are required to be aware of the relevant Financial Practice Notes and other guidance issued by the Chief Finance Officer for amplification of these Procedure Rules.

Consequences of Non-Compliance

All Members and Officers must exhibit the highest standards of probity when they deal with the Council's finances. It is a disciplinary offence for an Officer to breach these Rules, and a Member who breaches them may be the subject of a complaint that they are in breach of the Members' Code of Conduct.

All Members and officers have a duty to act if they consider the Rules are being broken. In such cases, Members must inform the Monitoring Officer. Officers must inform their line manager (unless that person is suspected of being involved) and the Chief Finance Officer and the Monitoring Officer. The Chief Finance Officer will inform Internal Audit. In all cases the Council's Whistleblowing and Anti-Fraud Policies will be followed.

If any Officer is in any doubt about the appropriate action required, they must consult their Director or Head of Service in the first instance. Advice can also be sought from Internal Audit before proceeding.

Reference must also be made to the Council's Anti-Fraud, Anti-Corruption, Anti-Money Laundering and Whistleblowing Policies.

Waiver

On rare occasions, Officers are faced with an emergency and may need to act swiftly. For the purpose of these Procedure Rules, an emergency constitutes an event which has arisen and must be dealt with before the next meeting of the Executive and which could not have been foreseen, and not an event which has become an emergency through lack of sufficient planning or forethought. It is recognised that, in these circumstances, officers need to use their best judgement, balancing the needs of the service, severity of the emergency and the financial consequences of their actions. Detailed notes of actions taken must be kept and wherever possible officers must seek clearance from their Director or the Managing Director.

Officers must seek retrospective approval for their actions. They must contact their Director who will be responsible for co-ordinating such information and reporting the matter to the Chief Finance Officer.

1. RESPONSIBILITIES

Overview

- 1.1 The principles of sound financial management, proper exercise of responsibility and accountability, as set out in these Rules, must be applied in all circumstances.
- 1.2 All Members and Officers have a general responsibility to provide for the security of assets under their control, and for ensuring the use of these assets is legal, properly authorised, provides value for money and achieves best value.

Council, Leader/Executive and other Committees

- 1.3 The roles and responsibilities of the Council, Leader/Executive and other Committees, in respect of the Budget Framework, are set out in the Articles to this Constitution:
 - (i) The Council is responsible for approving the Policy Framework and Annual Budget;
 - (ii) The Council is also responsible for approving procedures for agreeing variations to approved budgets, plans and strategies forming the Policy Framework;
 - (iii) The Council is responsible for setting the level at which the Leader/Executive may reallocate (vire) budget funds from one service to another;
 - (iv) The Council is responsible to approving supplementary budgets; and
 - (v) The Leader/Executive is responsible for taking in-year decisions on resources and priorities, in order to deliver the Policy Framework within the financial limits set by the Council.
- 1.4 The Audit Committee is established by Council. It has right of access, through the Chief Finance Officer, to all the information it considers necessary to fulfil its functions, and can consult with internal and external auditors. It is responsible for making sure the Council has appropriate financial management systems and processes in place, and for checking compliance with them

Corporate Governance

- 1.5 The Audit Committee is responsible for approving the Council's Code of Corporate Governance and reviewing the Council's governance arrangements.
- 1.6 The Monitoring Officer is responsible for preparing the Code of Corporate Governance, in line with CIPFA/SOLACE guidance, and promoting it throughout the Council.
- 1.7 Directors and Heads of Service, and those other officers reporting directly to a Head of Service shall ensure compliance with the Code.
- 1.8 The following apply to the person or postholder vested with the responsibilities of these roles and do not necessarily correspond with the name of an individual post in the management structure.

The Managing Director

- 1.9 The Managing Director is responsible for the corporate and overall strategic management of the Council as a whole. They must report to and provide information to the Council, Leader/Executive, Overview and Scrutiny, Audit and other committees. They are responsible for establishing a framework for management direction and standards, and for monitoring the performance of the organisation.

The Chief Finance Officer

- 1.10 The Chief Finance Officer has statutory duties in relation to the financial administration and stewardship of the Council. This statutory responsibility cannot be overridden. The statutory duties arise from:
 - (i) Section 151 of the Local Government Act 1972;
 - (ii) The Local Government Finance Act 1988;
 - (iii) The Local Government and Housing Act 1989;
 - (iv) The Local Government Act 2003;
 - (v) The Local Authorities (Capital Finance and Accounting) (England) Regulations 2003 and amendment regulations; and
 - (vi) The Accounts and Audit Regulations 2015 and subsequent updates.
- 1.11 The Chief Finance Officer is responsible for:
 - (i) The proper administration of the Council's financial affairs;
 - (ii) Setting and monitoring compliance with financial management standards;
 - (iii) Advising on the corporate financial position and on the key financial controls necessary to secure sound financial management;
 - (iv) Providing financial information;
 - (v) Preparing the Budget and capital programme;

- (vi) Treasury management; and
 - (vii) Advising Council on prudent levels of Reserves for the Council, in accordance with Section 25 of the Local Government Act 2003.
- 1.12 Section 114 of the Local Government Finance Act 1988 requires the Chief Finance Officer to report to Council, Leader/Executive and the Council's External Auditor, if the Council or one of its officers:
- (i) Has made, or is about to make, a decision which involves incurring unlawful expenditure;
 - (ii) Has taken, or is about to take, an unlawful action which has resulted in, or would result in a loss or deficiency to the Council; and
 - (iii) Is about to make an unlawful entry in the Council's accounts.
- 1.13 Section 114 of the 1988 Act also requires:
- (i) The Chief Finance Officer to nominate a properly qualified Officer to deputise should they be unable to perform the duties under Section 114 personally;
 - (ii) The Council to provide the Chief Finance Officer with sufficient staff, accommodation and other resources – including legal advice, where this is necessary – to carry out the duties under Section 114; and
 - (iii) Should a situation arise whereby the Chief Finance Officer is not a member of the Corporate Governance Group, then an appropriate protocol will be submitted, for approval by Council, to facilitate access to this group, to allow him/her to fulfil their statutory duties.
- 1.14 In these Financial Procedure Rules any reference to Chief Finance Officer includes any appropriate senior Officer acting on behalf of, and with the authority of the Chief Finance Officer.
- 1.15 The Chief Finance Officer is responsible for maintaining a continuous review of Financial Procedure Rules and for submitting any additions or changes, necessary to Council, for approval. The Chief Finance Officer is also responsible for reporting, where they think appropriate, breaches of the Rules to the Council and/or to the Leader/Executive.
- 1.16 The Chief Finance Officer is responsible for issuing Financial Practice Notes, advice and guidelines to underpin Financial Procedure Rules which Members, Officers and others acting on the Council's behalf are required to follow.

The Monitoring Officer

- 1.17 The Monitoring Officer is responsible for promoting and maintaining high standards of conduct and providing support to the Audit Committee. The Monitoring Officer is also responsible for reporting any actual or potential

breaches of the law, or maladministration, to the Council and/or Leader/Executive.

The Monitoring Officer and Chief Finance Officer

1.18 The Monitoring Officer and the Chief Finance Officer, acting together or individually (but in consultation with each other), are responsible for advising the Council, or Leader/Executive, about whether a decision is likely to be contrary to, or not wholly in accordance with, the Budget. Actions that may be contrary to the Budget include:

- (i) Initiating a new policy;
- (ii) Committing expenditure, in future years, above the budget level;
- (iii) Incurring transfers above the virement limits;
- (iv) Causing the total expenditure financed from council tax, grants and corporately held Reserves to increase beyond the agreed Policy and Budget Framework;
- (v) Transfers from Reserves that are not part of the approved Budget strategy; and
- (vi) Increasing the level of borrowing beyond that approved in the Treasury Strategy and the Council's prudential indicators.

Directors and Heads of Service, and those other officers reporting directly to a Head of Service

1.19 Directors, Heads of Service, and those other officers reporting directly to a Head of Service are responsible for:

- (i) Ensuring that Executive members are advised of the financial implications of all proposals and that the financial implications have been agreed by the Chief Finance Officer, prior to Leader/Executive approval.
- (ii) Ensuring compliance with Contract Standing Orders and signing contracts, on behalf of the Council, in accordance with them; and
- (iii) Controlling and monitoring income and expenditure within the approved Budget, and must ensure that anticipated variations, between budget and actual, are highlighted to the Chief Finance Officer, or their representative, at the earliest opportunity.

1.20 It is the responsibility of the Directors and Heads of Service, and those other officers reporting directly to a Head of Service, to consult with the Chief Finance Officer and seek approval on any matter liable to affect the Council's finances, before any commitments are made.

1.21 Directors, Heads of Service and those other officers reporting directly to a Head of Service are responsible for ensuring that all staff are aware of the existence of, and, in consultation with the Chief Finance Officer, receive

training in the use and content of the Financial Procedure Rules, Financial Practice Notes and other internal regulatory documents and that they comply.

2. INTERNAL CONTROL

Overview

- 2.1 The Council is a complex organisation and therefore requires internal controls to manage and monitor progress towards strategic objectives. It has to meet statutory obligations; internal controls help identify, meet and monitor compliance with these obligations.
- 2.2 Internal control refers to the systems of control devised by management to help ensure the Council's objectives are achieved in a manner that promotes economic, efficient and effective use of resources and that the Council's assets and interests are safeguarded.
- 2.3 The Chief Finance Officer has a professional responsibility to ensure that the Council's financial systems are sound and must approve any new developments or planned changes.
- 2.4 The accounting procedures adopted by the Council must reflect recommended professional practices. Any material departure must be acceptable to the Chief Finance Officer and the Council's External Auditors.

Key Control Requirements

- (i) Members and Officers must understand and abide by their roles and responsibilities to ensure clear accountability;
 - (ii) Accurate, complete and timely data exists to enable the compilation of performance management information and the setting of targets, budgets and plans
 - (iii) Proper warning must be provided of deviations from targets, plans and budgets that require management attention; and
 - (iv) Operational systems and procedures must be secure from all forms of risk and disruptions.
- 2.5 The Chief Finance 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 must ensure that public funds are properly safeguarded and

used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.

- 2.6 It is the responsibility of Directors and Heads of Service, and those other officers reporting directly to a Head of Service to establish sound arrangements for planning, appraising, authorising and controlling their operations, in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets.
- 2.7 The system of internal controls is established in order to provide assurance that:
- (i) Proper authorisation procedures are in place and followed
 - (ii) Operations are efficient and effective;
 - (iii) Financial information and reporting is reliable;
 - (iv) Relevant regulations are complied with; and
 - (v) Probity is assured and risk of loss, either accidental or fraudulent minimised
- 2.8 Managerial control systems must exist to define policies, set objectives and plans, monitor financial and other performance indicators and to take appropriate anticipatory and remedial action. The key objective of these systems is to promote ownership of the control environment by defining roles and responsibilities.
- 2.9 Financial and operational control systems and procedures must include physical safeguards for assets, segregation of duties, authorisation and approval procedures. The general ledger and associated financial systems that are managed by the Finance team constitute the Council's prime accounting records; all other Council systems that hold financial data will be deemed to be subsidiary to the general ledger.
- 2.10 An effective internal audit function is required by the Accounts and Audit (England) regulations (2015) and must operate in accordance with the Public Sector Internal Audit Standards and with any other statutory obligations and regulations. Internal Audit will undertake effective reviews of systems and procedures on a regular basis.

3. RISK MANAGEMENT AND INSURANCE

Overview

- 3.1 All organisations, whether they are in the private or public sectors, face risks to people, property and continued operations. Risk is defined as the chance or

possibility of loss, damage or injury caused by an unwanted or uncertain action or event. Risk Management is the planned and systematic approach to the identification, evaluation and control of risk.

- 3.2 Insurance has been the traditional means of protecting against loss but this cannot be seen as the complete answer. By reducing, or even preventing, the incidence of losses (whether they result from crime or accident) the Council will benefit from reduced costs of providing insurance cover and will also avoid the disruption and wasted time caused by losses and insurance claims.
- 3.3 Part 2 of the Accounts and Audit Regulations 2015 requires the Council to be responsible for ensuring that its financial management is adequate and that it has a sound system of internal control, which facilitates the effective exercise of its functions, including arrangements for the management of risk.
- 3.4 It is the overall responsibility of the Council to approve the Risk Management Strategy and to promote a culture of risk management awareness throughout the Council. The Leader/Executive has overall responsibility for ensuring that the Council addresses risks within its operational activity. The Leader/Executive is responsible for reviewing the effectiveness of risk management and for ensuring that proper insurance exists, where appropriate, to mitigate any risks identified. The Corporate Governance Group reviews the Risk Management Strategy on a three-yearly basis, or more frequently if required.
- 3.5 The Chief Finance Officer is responsible for ensuring proper insurance cover and advising Members and officers accordingly. No other officers have authority to enter into insurance arrangements unless in consultation with the Chief Finance Officer.
- 3.6 Directors, Heads of Service, and those other officers reporting directly to a Head of Service shall promptly notify the Chief Finance Officer and Managing Director, in writing, of all insurable risks, and ensure compliance with the Council's Risk Management Strategy.

Key Control Requirements

- 3.7 The key controls for risk management are:
 - (i) Procedures are in place to identify, assess, prevent or contain material known risks, and these procedures are promoted throughout the organisation;
 - (ii) Acceptable levels of risk are determined and insured against where appropriate;

- (iii) Directors and Heads of Service, and those other officers reporting directly to a Head of Service are responsible for managing relevant risks and are provided with relevant information on risk management initiatives;
- (iv) Provision is made for losses that might result from the risks that remain;
- (v) Procedures are in place to investigate claims within required timescales; and
- (vi) A full risk management review must be carried out at least every 5 years and a monitoring process must be in place to regularly review the effectiveness of risk management.

3.8 The key controls for insurance are:

- (i) Chief Finance Officer has delegated authority to determine and effect all necessary insurance cover;
- (ii) Directors and Heads of Service, and those other officers reporting directly to a Head of Service must notify the Council's insurers through the Chief Finance Officer of any new assets that require to be insured, or any other changes which might affect the current insurance arrangements; and
- (iii) Directors and Heads of Service, and those other officers reporting directly to a Head of Service must notify the Council's insurers through the Chief Finance Officer of any incidences that might give rise to an insurance claim against the Council, and ensure that they do not admit any liability without the prior agreement of the Council's insurers;

4. PREVENTING FINANCIAL IRREGULARITIES

Overview

- 4.1 The Council will not tolerate fraud and corruption in the administration of its responsibilities whether from inside or outside the Council.
- 4.2 The Council's expectation of propriety and accountability is that Members and officers at all levels will lead by example in ensuring adherence to legal and financial requirements, Rules, procedures and practices.
- 4.3 The Council also expects that organisations it comes into contact with, and persons/companies working on its behalf, will act towards the Council with integrity and without thought or actions involving fraud and corruption.


- 4.4 Detailed guidance on reporting fraud and irregularities is available within the Council's Anti-Fraud, Anti-Money Laundering and Anti-Corruption Policies.

Key Control Requirements

- 4.5 The key controls regarding the prevention of financial irregularities are that:
- (i) The culture and tone of the Council is one of honesty and opposition to fraud and corruption;
 - (ii) All Members and Officers of the Council shall act with integrity and lead by example;
 - (iii) All individuals and organisations associated in any way with the Council will act with integrity;
 - (iv) Directors and Heads of Service, and those other officers reporting directly to a Head of Service are required to deal swiftly and firmly with those who defraud the Council or are corrupt and Internal Audit must be informed at the commencement of any investigation; and
 - (v) Both internal and external audit regularly review the corporate governance of the Council and will draw matters to the attention of the Chief Finance Officer or the Monitoring Officer as appropriate.
- 4.6 The Head of Revenues, Benefits & Fraud, in consultation with the Chief Finance Officer, is responsible for the development and maintenance of an Anti-Fraud and Anti-Corruption policy. Also for an Anti-Money Laundering policy and procedures.
- 4.7 All Members and officers shall conduct themselves to the highest standards. Bribery, corruption, fraud or deception, by Members and officers, will not be tolerated by the Council.
- 4.8 It is a criminal offence for any person to use their position with the Council to accept or ask for any gift, reward or other advantage for work done in an official capacity. Members and officers must also act with absolute honesty when dealing with the assets of the Council and any other assets for which the Council is responsible.
- 4.9 All Members and officers must ensure that any irregularity, or suspected irregularity, involving Council funds, property or other assets for which the Council is responsible, is reported immediately to the Chief Finance Officer. The Chief Finance Officer will decide how such matters should be investigated.

5. INTERNAL AUDIT

Overview

5.1 The Chief Finance Officer has statutory for the overall financial administration of the Council's affairs including maintaining an adequate and effective internal audit function. 

Key Control Requirements

5.2 Internal Audit is an independent and objective appraisal function for reviewing the Council's system of internal control. It examines, evaluates and reports on the adequacy of internal control as a contribution to the proper, economic, efficient and effective use of resources. It maintains independence in its planning and operation.

5.3 Internal Audit has direct access to the Managing Director, the Leader/Executive and the Council's Audit Committee and has authority to:

- (i) Enter at any time all Council premises or land;
- (ii) Have unrestricted access to all records, documents and correspondence, including computerised hardware and software relating to any financial and other transactions;
- (iii) Remove and/or secure any record, document or correspondence of the Council;
- (iv) Ask questions and receive explanations concerning any matter under examination by Internal Audit; and
- (v) Obtain from Council officers cash, stores or any other property owned, hired, leased or borrowed by the Council.

5.4 The decision to report financial irregularities to the police will be made by the Chef Finance Officer in consultation with the Managing Director.

5.5 Internal Audit may report, to any Committee of the Council, matters which are considered to adversely affect the efficient or proper use of the Council's resources.

5.6 The Council may, from time to time, be subject to audit, inspection or investigation by other external bodies, such as, HM Revenue and Customs and Government offices, or personnel working on their behalf, who have statutory rights of access. The above principles apply.

6. EXTERNAL AUDIT

Overview

- 6.1 Public Sector Audit Arrangements Limited (PSAA) is a company limited by guarantee and is a subsidiary of the Improvement and Development Agency (IDeA) which is wholly owned by the LGA.
- 6.2 The Secretary of State for Housing Communities and Local Government has specified PSAA as an appointing person under provisions of the Local Audit and Accountability Act 2014. PSAA appoints external auditors to local government bodies that opt into its national scheme. This authority has opted in.
- 6.3 The Council's annual statement of accounts is scrutinised by the External Auditor, appointed by PSAA, who must be satisfied that it presents fairly the financial position of the Council and its income and expenditure for the year in question and complies with legal requirements.
- 6.4 The Chief Finance Officer is responsible for working with the External Auditor and for advising the Council, Leader/Executive, Audit Committee, Directors and Heads of Service, and those other officers reporting directly to a Head of Service on their responsibilities in relation to external audit. The External Auditor has the same rights of access as Internal Audit to all documents, which are necessary for audit purposes.

Key Control Requirements

- 6.5 The duties of the External Auditor are governed by the Local Audit and Accountability Act 2014 under which the External Auditor needs to satisfy themselves that:
- (i) that the accounts comply with the requirements of the enactments that apply to them;
 - (ii) that proper practices have been observed in the preparation of the statement of accounts, and that the statement presents a true and fair view; and
 - (iii) that the authority has made proper arrangements for securing economy, efficiency and effectiveness in its use of resources.
- 6.6 External auditors are appointed normally for a minimum period of five years.

7. ANNUAL STATEMENT OF ACCOUNTS

Overview

- 7.1 The Chief Finance Officer is responsible for ensuring that the annual Statement of Accounts is prepared in accordance with the '*Code of Practice on Local Authority Accounting*' based on International Financial Reporting

Standards (CIPFA/LASAAC) and other regulations, codes and guidance in force, from time to time.

- 7.2 The Chief Finance Officer has the authority to make such amendments to the treatment of the Council's transactions, as are in the overall interest of the Council, including optimising of the capital financing position and the management of approved Reserves, within the framework approved by the Council.
- 7.3 The Audit Committee is responsible for approving the annual Statement of Accounts.

8. ACCOUNTING POLICIES

Overview

- 8.1 The Chief Finance Officer is responsible for the preparation of the Council's Statement of Accounts, in the format required by the '*CIPFA Code of Practice on Local Authority Accounting: A Statement of Recommended Practice, for the financial year ending 31 March*'. The Accounts are prepared with reference to approved accounting policies.

Key Control Requirements

- 8.2 The key controls for accounting policies are that:
- (i) Suitable accounting policies are selected, approved and applied consistently;
 - (ii) Judgements are made and estimates prepared which are reasonable and prudent;
 - (iii) Statutory and other professional requirements are observed to maintain proper accounting records; and
 - (iv) All reasonable steps have been taken for the prevention and detection of fraud and other irregularities.
- 8.3 The Chief Finance Officer is responsible for selecting accounting policies and ensuring that they are approved and applied consistently and in accordance with relevant guidelines and regulations.
- 8.4 The Chief Finance Officer is responsible for determining the accounting procedures and records for the Council. Such procedures shall include procedures and timetables for the preparation of the Budget and the Council's financial statements.

- 8.5 Proper accounting records are one of the ways in which the Council discharges its responsibility for stewardship of public resources. The Council has a statutory responsibility to prepare its annual accounts to present fairly its operations during the year. These are subject to review by External Audit. This provides assurance that the accounts are properly prepared and proper accounting practices have been followed and that arrangements have been made for securing economy, efficiency and effectiveness in the use of Council resources.
- 8.6 The key controls for accounting records and returns are:
- (i) All Members and Officers operate within the Council's established financial framework;
 - (ii) All the Council's transactions, material commitments and contracts and other essential accounting information are recorded completely, accurately and on a timely basis in the Council's general ledger to a level of detail determined by the Chief Finance Officer;
 - (iii) Procedures must be in place to enable accounting records to be reconstituted in the event of failure;
 - (iv) Reconciliation procedures must be carried out to ensure transactions are recorded correctly; and
 - (v) The Chief Finance Officer may from time-to-time issue requirements for accounting records or procedures which must be adhered to by all Officers to ensure that the Council meets the statutory requirements of audit.

9. THE REVENUE BUDGET

Overview

- 9.1 The Chief Finance Officer is responsible for ensuring that a revenue budget is prepared, on an annual basis, for consideration by the Leader/Executive, before submission to Council. The process for budget preparation and approval is set out in the Policy and Budget Framework Rules in this Constitution.
- 9.2 The Chief Finance Officer also has a responsibility, under Section 25 of the Local Government Act 2003, to comment on:
- (i) The robustness of the annual estimates submitted to Council for approval; and
 - (ii) The adequacy of financial Reserves.
- 9.3 It is the responsibility of Directors, Heads of Service, and those other officers reporting directly to a Head of Service, to ensure that the budget estimates,

reflecting agreed service plans, are submitted to the Chief Finance Officer, and that these estimates are prepared in line with guidance issued by the Leader/Executive.

- 9.4 The Chief Finance Officer is responsible for issuing guidance on the general content of the Budget, as soon as possible following approval by Council.

Key Control Requirements

- 9.5 Budget Management ensures that resources allocated by the Council are used for their intended purposes and that these resources are properly accounted for. Budgetary control is a continual process enabling the Council to review and adjust its budget targets during the financial year. It also provides the mechanism to call to account managers responsible for defined elements of the budget.
- 9.6 By identifying and explaining variances against budgetary targets, the Council can identify changes in trends and resource requirements at the earliest opportunity. The authority itself operates within an Approved Budget approved annually by Council based on a recommendation from the Leader/Executive, in accordance with the Policy & Budget Framework Procedure rules.
- 9.7 The Approved Budget is the aggregated resources required by the Council to fulfil its policy commitments for that year. The Approved Budget can therefore be defined as:
- (i) The budget requirement established for Council Tax purposes (including contingencies); and
 - (ii) Reserves.
- 9.8 Following approval of the Budget by Council the Chief Finance Officer has delegated authority to implement technical adjustments to ensure that any late notifications from Government or other minor adjustments are actioned ready for the start of the new financial year.
- 9.9 During the year the Leader/Executive may approve changes within the approved budget, to accord with changes in the way that the Council is operating and to react to changes within its operating environment.
- 9.10 The effects of these changes will be recorded as the Management Budget against which budgetary control processes will then operate.
- 9.11 To ensure that the Council does not overspend, each Budget Holder is required to manage their own income and expenditure within the cash limit set within the Management Budget.

- 9.12 The structure of the budget and therefore the statement of the accounts will determine the level of detail on which financial control and management will be exercised. The structure will shape how the Rules around virement will operate, the operation of cash limits and will set the level at which funds may be re-allocated within budgets.
- 9.13 The key controls for the budget structure are:
- (i) Compliance with all legal requirements;
 - (ii) Compliance with the '*CIPFA Code of Practice on Local Authority Accounting in Great Britain*'; and
 - (iii) To allow the budget to be divided into meaningful parts, for each of which accountability can be clearly allocated.
- 9.14 The key controls for managing and controlling the revenue budget are:
- (i) The Council shall approve a revenue budget and Council Tax in accordance with the relevant legislation;
 - (ii) That Leader, Members of the Executive and the Overview and Scrutiny Committee are provided with all financial information that they need to determine policy and review performance respectively;
 - (iii) Each £ of budgeted income and expenditure is allocated to a named budget holder;
 - (iv) Budget holders must be responsible for income and expenditure against the budget that is allocated to them;
 - (v) Budget holders must accept accountability for their budgets and the level of service to be delivered;
 - (vi) Budget holders must follow an approved certification process for all expenditure;
 - (vii) Income and expenditure must be properly accounted for and recorded;
 - (viii) Performance levels/levels of service must be monitored in conjunction with the budget and necessary action taken to align service outputs and budget;
 - (ix) Any contingency budgets are the responsibility of the Chief Finance Officer who must be responsible for approving expenditure against any such contingency;
 - (x) Where in the opinion of the Chief Finance Officer actual or proposed expenditure is likely to result in a budget overspend, the Head of Service concerned must take appropriate management action and/or seek a virement to offset this overspend;
 - (xi) In accordance with the Employment Procedure Rules, the salary budgets for the permanent staffing establishment, are ring-fenced and

- not available for virement without the agreement of the Leader/Executive; and
- (xii) Budget holders must receive and review budget monitoring reports monthly in accordance with a procedure prescribed by the Chief Finance Officer.

10. ADMINISTRATION OF AMENDMENTS TO THE REVENUE BUDGET (VIREMENTS)

Overview

- 10.1 A virement is the switching of resources between approved estimates (budgets) or heads of expenditure. The scheme is intended to enable the Leader/Executive, Directors, Heads of Service, and those other officers reporting directly to a Head of Service, to manage budgets with a degree of flexibility within the overall policy framework determined by Council, and therefore to optimise the use of resources.

Key Control Requirements

- 10.2 Where an approved budget is a lump sum budget or contingency, intended for allocation during the year, its allocation will not be treated as a virement provided that:
- (i) The amount is used in accordance with the purpose for which it has been established; and
 - (ii) That Leader/Executive has approved the basis and the terms, including financial limits, on which it will be allocated. Individual allocations, in excess of the financial limits, must be reported to Leader/Executive.
- 10.3 In accordance with the scheme of delegation, which enables the Managing Director to determine and amend staffing structures, movements between salary budgets will not be considered a virement, providing the total cost of staffing remains within the overall sum approved by Council.
- 10.4 It is the responsibility of Directors and Heads of Service, and those other officers reporting directly to a Head of Service to ensure that a proper scheme of delegation has been established, within their sections, and that it is operating effectively. The scheme of delegation must identify officers authorised to act on the Heads of Services' behalf, in respect of payments, income collection and placing orders, together with the limits of their authority.
- 10.5 The Head of Finance (or their nominated representative) has the delegated authority to write off bad debt, stores deficiencies and surplus goods, in accordance with the Scheme of Delegation.

- 10.6 The Managing Director can vire the payroll budget to various budget headings, to facilitate delivery of existing policies.
- 10.7 Directors and Heads of Service can (subject to the conditions below) vire funds, within a budget heading and across budget headings, for which they are responsible.
- 10.8 The Managing Director, in consultation with the Corporate Governance Group, can (subject to the conditions below) authorise budget virements between two services.
- 10.9 All virements must be reported, retrospectively, to the Executive, as part of the Council's budget monitoring procedures.
- 10.10 Full Council approval must be sought for all virements which are outside the Policy and Budget Framework and Financial Procedure Rules.
- 10.11 For the purposes of this Procedure Rule, a budget heading is a line in the estimates, or, as a minimum, at an equivalent level to the standard service subdivision, as defined by CIPFA in its *Service Expenditure Code of Practice*. For capital schemes, the budget headings are considered to be the scheme budgets.
- 10.12 The following conditions apply to all virements:
- (i) Virements will only be permitted where the expenditure is in accordance with the Policy and Budget Framework agreed by Council. Virements are not permitted to fund new initiatives or policies;
 - (ii) There can be no virements from Reserves, building maintenance budgets or central recharges;
 - (iii) No virement, relating to a specific financial year, should be made after 31 March in that year;
 - (iv) The limit, specified for the year, is cumulative for the financial year in which the virement takes place;
 - (v) Virements must be processed in the manner prescribed by the Chief Finance Officer; and
 - (vi) A virement shall not be made if it causes a budget to overspend on its annual allocation.
- 10.13 The Council's scheme for the management of amendments to the Approved Budget (or virement) is administered by the Chief Finance Officer within guidelines set by Council. Any variation from this scheme requires the approval of Council.

- 10.14 The scheme is intended to enable the Leader/Executive, Directors and Heads of Service, and those other officers reporting directly to a Head of Service, to manage budgets with a degree of flexibility within the overall Policy Framework determined by the Council, and therefore optimise the use of resources.
- 10.15 Directors and Heads of Service, and those other officers reporting directly to a Head of Service, are expected to exercise their discretion in managing their budgets responsibly and prudently. They must not support recurring expenditure from one-off sources, savings or additional income, or create future commitments, including full-year effects of decisions made part way through a year, for which they have not identified future resources.
- 10.16 Amendments must only be made in accordance with the following guidelines:
- (i) The limits and authorisation requirements as set out in the Annex below; and
 - (ii) Where such a change leaves the originating budget with sufficient funds to meet its commitments.

11. IN-YEAR REVENUE BUDGET MONITORING AND MANAGEMENT

Overview

- 11.1 The Chief Finance Officer is responsible for providing appropriate financial information to enable budgets to be monitored effectively. They must control expenditure against budget allocations and report to the Leader/Executive on a regular (at least quarterly) basis.

Key Control Requirements

- 11.2 It is the responsibility of Directors and Heads of Service, and those other officers reporting directly to a Head of Service, to control income and expenditure within their area and to monitor performance, taking account of financial information provided by the Chief Finance Officer. They must report on variances within their own areas. They must also take any action necessary to avoid exceeding their budget allocation and alert the Chief Finance Officer of any problems, or potential problems, at the earliest opportunity.

12. TREATMENT OF YEAR END REVENUE BUDGET CARRY-FORWARDS

Overview

- 12.1 At the end of each financial year, where a policy implementation or a specific project has not been completed because of factors beyond the control of the

Budget Holder, this may lead to an underspend against the allocated budget. Where they feel it to be necessary the Budget Holder may make a request to the Chief Finance Officer for the unused budget to be carried forward to the following financial year.

- 12.2 The Chief Finance Officer will determine a set of criteria against which any request will be evaluated.
- 12.3 Once the Chief Finance Officer has confirmed the validity of the request, they will seek the approval of the Leader/Executive to carry that proportion of the Management Budget forward to the next financial year.

Key Control Requirements

- 12.4 Requests for carryovers will only be approved, where there is clear evidence that the situation has arisen by events out of the Budget Holder's control.
- 12.5 Requests will have to prove that the budget being carried forward is still required and the uncompleted works cannot be funded from the Approved Budget for the year into which the carryover is being made.
- 12.6 The Chief Finance Officer is responsible for agreeing the procedures for the treatment of year-end balances, including carrying forward under and overspending on budget headings, and transfers to or from Reserves.

13. REVENUE BUDGET RESERVES

Overview

- 13.1 The Council's scheme of Reserves is administered by the Chief Finance Officer within guidelines set by the Council. Any variation from this scheme requires the approval of the Council.

Key Control Requirements

- 13.2 Under the scheme the Council may determine to set aside (earmark) specific amounts from the Reserves to meet a designated requirement. Earmarking sums ensures that funds are set aside to respond to unquantified risks. Reserves are backed by a risk assessment which explains why they are held.
- 13.3 The Chief Finance Officer will propose a schedule of Reserves each year as part of the budget setting report. In determining that proposal the Chief Finance Officer will consult with the Portfolio Holders with responsibility.

- 13.4 Expenditure funded from any earmarked Reserves can only be made in accordance with the Scheme of Delegation set up for the specific administration of that Reserve.
- 13.5 The scheme of delegation (on Reserves) will include the following:
- (i) the reason for/purpose of the Reserve;
 - (ii) how and when the Reserve can be used; and
 - (iii) the procedure for the Reserve's management and control.
- 13.6 The Chief Finance Officer must ensure that all expenditure funded directly from earmarked Reserves are incorporated into the Management Budget and reported on as part of the Budgetary Control process.
- 13.7 General non-earmarked Reserves are maintained as a matter of prudence to support unforeseen need. The Chief Finance Officer will determine the adequacy of the level of these Reserves, each year as part of the budget setting process.
- 13.8 The scheme of Reserves will be maintained in accordance with the '*CIPFA Code of Practice on Local Authority Accounting*' and agreed accounting policies.
- 13.9 The Chief Finance Officer shall agree all movements between Reserves and provisions and shall report on such as part of reporting the outturn financial performance of the Council annually to the Leader/Executive. Budgetary adjustments may be required as part of this exercise.
- 13.10 For each Reserve established, the purpose, usage and basis of transactions should be clearly identified. Usage of Reserves is to be undertaken in accordance with the Policy and Budget Framework and Scheme of Delegation approved by full Council.
- 13.11 When a Reserve is to be established, the Chief Finance Officer must be satisfied:
- (i) Of the reason for the Reserve, and its purpose; and
 - (ii) That setting up the Reserve complies with the latest version of the '*Code of Practice on Local Authority Accounting in the United Kingdom*'.
- 13.12 Contributions, to and from Reserves, must be included in the Council's accounts, which are approved by the Audit Committee and the Chief Finance Officer.

13.13 Control of Reserves shall involve:

- (i) An annual review of the relevance and adequacy of Reserves, as part of the annual budget report;
- (ii) Quarterly budget monitoring of the Council's overall revenue position to assess the potential extent of the use of general Reserves in any year; and
- (iii) Withdrawal from Reserves can be approved by the Leader/Executive, provided that Council has approved the adequacy of Reserves based on the recommendation of the Chief Finance Officer. This will be considered at its annual budget meeting. Any withdrawal from Reserves will be subject to this overall minimum level not being breached.

Provisions

13.14 In addition to Reserves, the Council may set aside funds in Provisions for known or estimable risks.

14. CAPITAL PROGRAMME AND CAPITAL FUNDING

Overview

14.1 Capital expenditure involves acquiring, leasing (so as to acquire most or all of the value) or enhancing fixed assets with a long-term value to the Council, such as land, buildings, ICT and major items of plant and equipment or vehicles. Capital assets shape the way services are delivered for the long term and create financial commitments for the future in the form of financing costs and revenue running costs.

14.2 Capital expenditure forms part of the Council's investment strategy and must be carefully prioritised in order to maximise the benefit of scarce resources.

14.3 The Chief Finance Officer is responsible for ensuring that a rolling 5-year Capital Programme is prepared, on an annual basis, for consideration by the Leader/Executive, before submission to Council.

14.4 The Chief Finance Officer is responsible for recommend funding for all Capital schemes for approval by the Leader/Executive and Council.

Key Control Requirements

14.5 The key controls for capital programmes are:

- (i) The Capital Investment Strategy which sets the framework within which all capital schemes are approved and monitored;

- (ii) The Asset Management Plan (AMP) which identifies the key assets, their use, value and condition. The AMP will be used as part of the process to determine the priorities when setting the capital programme;
- (iii) Specific approval is provided by the Council for the programme of capital expenditure and variances of more than a specified percentage (as determined by the Chief Finance Officer) from the original estimate;
- (iv) Capital Programme funding forecasts, including associated revenue expenditure, must be prepared for approval by the Council; and
- (v) The Treasury Management Strategy which assesses how the capital programme will be funded in an affordable way.

15. CONTRACT MONITORING

Overview

15.1 It is essential that the limited resources available are tightly controlled so that the Council may achieve its objectives.

Key Control Requirements

15.2 No tender shall be accepted unless it complies with and is within the tolerance limits set out in the Council's Contract Procedure Rules.

15.3 Where expenditure on a capital scheme is spread out over more than one year, a tender may only be accepted if resources have been earmarked in all years concerned.

15.4 Directors and Heads of Service, and those other officers reporting directly to a Head of Service must identify and report the projected over-spend or under-spend on any scheme as soon as they are identified. Where the cost of a scheme increases in stages it must be reported at each stage with reference made to all previous increases.

15.5 A register must be kept recording amounts due under contracts that provide for payments to be made in instalments .

15.6 Any variation in a contract must be in writing and must be authorised by an approved signatory and show any estimated variation in costs which would have a significant impact upon the total cost of the contract.

15.7 All payments under such contracts must be made on a certificate signed by the appropriate Head of Service. The certificate must be dated and contain

the total contract sum together with the estimated value of works to date and any retentions/liquidated damages withheld.

- 15.8 Where contracts are supervised and managed by persons other than Officers of the Council, the agreement with that person shall stipulate that they must provide to the Council, for inspection by its Officers, all relevant vouchers and documents.
- 15.9 Claims from contractors in respect of matters not clearly within the terms of any existing contracts must be referred to the Monitoring Officer before any settlement is reached.

16. SECURITY OF ASSETS

Overview

- 16.1 The Council holds assets in the form of property, vehicles, ICT, intangible assets, equipment, furniture and other items worth many millions of pounds. It is important that assets, whether they be acquired direct or via a lease are safeguarded and used efficiently in the delivery of services, and that there are arrangements for the security of both assets and service operations.
- 16.2 Directors, Heads of Service, and those other officers reporting directly to a Head of Service, must ensure that records and assets are properly maintained and securely held. They must also ensure that contingency plans for the security of assets and continuity of service, in the event of a disaster or system failure, are in place.
- 16.3 Any disposal of an asset, no longer required by the Council, shall be done in a manner approved by the Chief Finance Officer and in accordance with the relevant law, regulations and government guidance, issued from time to time.

Key Control Requirements

- 16.4 The key controls for the security of assets such as land, buildings, ICT, fixed plant and machinery are:
- (i) Assets must only be used for the business of the Council and must be properly accounted for;
 - (ii) Assets must be secured and available for use when required; and
 - (iii) Assets no longer required must be disposed of so that the Council maximises any benefits arising from the disposal.
- 16.5 An up to date inventory of all readily portable items and those with a purchase value of £1,000 or more and an estimated life in excess of 12 months must be

maintained by each Head of Service for their Service Unit, in accordance with guidelines issued by the Chief Finance Officer. The inventory will record the following:

- (i) Description of item;
- (ii) Value of each item;
- (iii) Date of purchase;
- (iv) Security tag number;
- (v) Make and model;
- (vi) Serial number; and
- (vii) Location of the item.

- 16.6 An annual physical inventory check must be undertaken and any discrepancies identified and reported to the Chief Finance Officer. In respect of stores, procedures must be in place to ensure continuous stock takes and the level of stock should be maintained at reasonable levels.
- 16.7 All assets over £1,000 must, as far as practicable, be effectively marked as Council property.
- 16.8 The Chief Finance Officer will issue guidance on the disposal of surplus or obsolete items.
- 16.9 Authorisation from the Chief Finance Officer must be obtained for adjustment to the inventory and of stock records in the event of a loss being incurred.
- 16.10 All items loaned to Members and Officers (e.g. IT equipment) must be separately recorded and an appropriate procedure established to ensure their return.
- 16.11 Maximum limits of cash as specified by the Council's insurers to be held at any one time must not be exceeded without the permission of the Chief Finance Officer. Advice on insurance limits may be obtained from the Council's insurers through the Chief Finance Officer.
- 16.12 Keys to safes and similar receptacles used for the safekeeping of cash must be kept on the person of the responsible Officer at all times. The loss of any such keys must be immediately reported to the Chief Finance Officer.
- 16.13 Secure arrangements must be made for the preparation and holding of pre-printed cheques, stock certificates, bonds and other financial documents.

16.14 Whenever unauthorised entry, burglary or criminal damage occurs the matter must be reported immediately to the police and the Chief Finance Officer.

17. DISPOSAL OF ASSETS

Overview

17.1 It would be unsatisfactory and inefficient for the cost of operating assets to outweigh their benefits. Obsolete, non-repairable or unnecessary assets should be disposed in the cost-effective way for the Council.

Key Control Requirements

17.2 Assets must be disposed of at the most appropriate time, only when it is in the best interests of the Council, and at the best price reasonably obtainable. For items of significant value, disposal must be by competitive tender or public auction.

17.3 Where no quotation/tenders have been received or the auctioneer indicates that due to the lack of marketability they are unable to sell the item, and the Chief Finance Officer agrees, the item must be advertised internally for disposal to Officers by the invitation of written offers, the highest offer to be accepted.

17.4 Where items have to be written off and disposed of the write off must be approved in accordance with the following limits:

- | | | |
|-------|--------------------------------|---|
| (i) | Items valued up to £1,000 | Head of Service <small>[L]
[SEP]</small> |
| (ii) | Items valued £1,000 to £10,000 | Service Director |
| (iii) | Items valued over £10,000 | Chief Finance Officer in consultation with the Portfolio Holder for Finance |

18. INVENTORIES, STOCKS AND STORES

Overview

18.1 Directors, Heads of Service, and those other officers reporting directly to a Head of Service, must be responsible for the proper custody of stocks and stores held and shall see that all stocks and stores under their supervision are subject to an effective system of stock recording and control and stocktaking.

Key Control Requirements

18.2 Stocks in excess of reasonable requirements shall not be kept other than in exceptional circumstances.

- 18.3 Obsolete stock with a value of less than £1,000 should be disposed of after consultation with the Chief Finance Officer. Disposals of stock valued over £1,000 require approval by the responsible Director in consultation with the Chief Finance Officer
- 18.4 All practicable steps must be taken to ensure that a delivery note submitted by the supplier or by the person delivering is obtained at the time of delivery. All goods delivered must be checked to verify that the correct quantity has been received.
- 18.5 All goods must be checked as regards quality and with the specification as soon as practicable after delivery.
- 18.6 No article or goods shall be issued from any store unless the person receiving the goods produces a stores requisition note, properly certified.
- 18.7 The responsible Head of Service must make arrangements for a system of rolling stock takes to be carried out so that the stock of all articles is confirmed at least once in each financial year. Stock checks must be undertaken annually by an Officer not responsible for the stores and a certificate of stock must be issued to the Chief Finance Officer as at 31st March in all financial years.
- 18.8 The Chief Finance Officer and Internal Audit shall be entitled to check stores, if necessary requiring closure of the stores after consultation and agreement with the Head of Service, and be supplied with such information as required in relation to stores for the accounting, costing and financial records of the Council.

19. PETTY CASH AND IMPREST ACCOUNTS

Overview

- 19.1 Wherever possible the use of pretty cash must be avoided.
- 19.2 Where it is unavoidable the Chief Finance Officer shall make such cash advances as deemed appropriate for the payment of authorised expenses.

Key Control Requirements

- 19.3 A request must be made in writing via the Chief Finance Officer in order to open/close a petty cash account/imprest account.

- 19.4 Imprest accounts must not be permitted to be overdrawn.
- 19.5 Adequate security arrangements with regard to any cash balances held must be exercised at all times in accordance with requirements of the Council's Insurers. Stamps (including any franking machine) and similar stocks must be properly controlled.
- 19.6 Each petty cash/imprest holder must annually at 31 March, and at other times when requested, provide a certificate to the Chief Finance Officer of the amount held and a reconciliation covering all expenditure incurred.
- 19.7 On leaving the Council's employment or otherwise ceasing to be responsible for a petty cash or imprest float, each Officer must account to the Chief Finance Officer for the amount advanced. It is the responsibility of the relevant Officer's Head of Service to ensure that this happens.
- 19.8 Payments must be limited to minor items of expenditure not exceeding £100 unless approval is given by the Chief Finance Officer for exceptional payments in excess of this figure.
- 19.9 Receipts for all disbursements must be obtained, and the petty cash/imprest holder shall obtain a signature for all reimbursements. A VAT invoice must be obtained for all purchases and care taken to isolate the VAT element in any payment made from the imprest account.
- 19.10 The imprest holder must be responsible for the control and operation of the imprest account in accordance with any instructions issued by the Chief Finance Officer. All non-computerised records relating to imprest accounts must be maintained in ink.
- 19.11 Expenditure which should form part of the payroll e.g. car allowances, subsistence payments to casual staff or any reimbursement of personal expenditure to any member of staff shall not be processed through imprest accounts.
- 19.12 No income other than the original advance and reimbursement must be credited to an imprest account.

20. CHARITABLE TRUST FUNDS

Overview

- 20.1 A charitable trust fund is any fund where the income and expenditure does not form part of the Council's accounts, but where the Council is responsible for record-keeping on behalf of the charitable trust.

Key Control Requirements

- 20.2 A list of all charitable trust funds must be maintained by the Monitoring Officer.
- 20.3 The Chief Finance Officer will issue and update accounting instructions for their operation.
- 20.4 All charitable trust funds must be subject to proper governance properly accounted for in accordance with the regulations laid down by the Charity Commission.

21. FINANCIAL INFORMATION SYSTEMS

Overview

- 21.1 Service Units have many systems and procedures relating to the control of the Council's assets, including purchasing, costing and management systems. The information held must be accurate and the systems and procedures should be sound and well administered. They must contain controls to ensure that transactions are properly processed and errors detected promptly.
- 21.2 Where possible all systems and procedures should be integrated to ensure consistency of the data held. If the systems are not integrated then a process of financial reconciliation between the two sets of data must take place on a regular basis.
- 21.3 Sound systems and procedures are essential to an effective framework of accountability and control. The Council is responsible for many computer systems and items, which support electronic exchange of information. It is important that relevant Acts of Parliament are complied with, (such as the *Data Protection Act 2018*), and that all financial systems contain the necessary internal control mechanisms to protect the Council's assets.
- 21.4 The Chief Finance Officer is responsible for the operation of the Council's accounting systems, the form of accounts and the supporting financial records. Any changes made by Directors, Heads of Service, and those other officers reporting directly to a Head of Service, to existing financial systems, or the establishment of new systems, must be approved, in advance, by the Chief Finance Officer. Directors, Heads of Service, and those other officers

reporting directly to a Head of Service, remain responsible for the proper operation of financial processes in their individual departments.

Key Control Requirements

- 21.5 Any changes to agreed procedures by Directors and Heads of Service to meet their own specific service needs, must be agreed in advance with the Chief Finance Officer.
- 21.6 Directors and Heads of Service must ensure that their staff receive relevant financial training that has been approved by the Chief Finance Officer.
- 21.7 Directors, Heads of Service, and those other officers reporting directly to a Head of Service, must ensure that, where appropriate, computer and other systems are registered in accordance with Data Protection legislation. Directors and Heads of Service must also ensure that their staff are aware of their responsibilities, under Data Protection and Freedom of Information legislation.
- 21.8 The development and implementation of all major IT systems must conform to the Council's overall IT Strategy.
- 21.9 Officers must ensure that they comply with the Computer Security Guidelines and the Data Protection Act as well as any relevant Codes of Practice.
- 21.10 Officers must ensure that they maintain confidentiality of all passwords issued to them and only access systems for which they have been given specific authority.
- 21.11 All purchases of computer hardware/software, except consumables, must be requested via the Head of Service responsible for ICT.
- 21.12 The Chief Finance Officer must be consulted in advance on all systems developments or changes which might impact on any financial procedure. This includes consulting the Chief Finance Officer on changes to departmental systems that impact the financial information held in them or how it is processed.

22. PARTNERSHIP AND EXTERNAL FUNDING ARRANGEMENTS

Overview

- 22.1 The Council provides a distinctive leadership role for the community and brings together the contributions of the various stakeholders. It must also act

to achieve the promotion or improvement of the economic, social or environmental well-being of the area.

Key Control Requirements

- 22.2 The Leader/Executive is the focus for forming partnerships with other public, private, voluntary and community sector organisations to address local needs.
- 22.3 The Council can delegate functions, including those relating to partnerships, to Members and Officers. Those that exist are set out in the Scheme of Delegation in the Council's Constitution. Where functions are delegated, the Leader remains accountable for them to Council.
- 22.4 Representation of the Council on partnerships and external bodies will be decided in accordance with the Scheme of Delegation.
- 22.5 The Monitoring Officer is responsible for promoting and maintaining the same high standards of conduct, with regard to financial administration in partnerships, that apply throughout the Council. The Monitoring Officer must also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies.
- 22.6 The Chief Finance Officer must ensure that the accounting arrangements, to be adopted in relation to partnerships and joint ventures, are satisfactory. This includes ensuring that the arrangements represent value for money in that they offer opportunities to use public funds to the greatest advantage and minimise duplication of expenditure.
- 22.7 The Managing Director, in consultation with the relevant Directors and Heads of Service must ensure that the risks have been fully appraised before agreements are entered into with external bodies.
- 22.8 Directors, Heads of Service, and those other officers reporting directly to a Head of Service, are responsible for ensuring that the Chief Finance Officer and Monitoring Officer are consulted on the progress of negotiations, and that the appropriate approvals are obtained before any negotiations are concluded, and decisions are made, in relation to work with external bodies.
- 22.9 Director approval must be sought for all external funding applications which are of a value of less than £20,000 and the Chief Finance Officer notified.
- 22.10 If the external funding is of a value greater than £20,000, then the Managing Director in consultation with Corporate Governance Group must approve the application, provided the following criteria apply:

- (i) The application refers to an area which is within the current policy and budgetary framework;
- (ii) There are no ongoing financial implications arising out of the application;
- (iii) A suitable exit strategy is in place; and
- (iv) There has been consultation with the relevant Executive Member.

22.11 The Leader/Executive is responsible for approving applications if the above conditions are not met.

22.12 The Chief Finance Officer has overall responsibility for external funding and is responsible for ensuring that all funding, notified by external bodies, is received and properly recorded in the Council's accounts.

22.13 The relevant Director, Head of Service and people reporting to Heads of Service, also have overall responsibility for ensuring that appropriate records and supporting documentation, in relation to any output measures, are kept to enable them to submit funding claim forms and meet funder audit and reporting requirements at the relevant times.

22.14 The Leader/Executive is responsible for approving the contractual arrangements for any work undertaken for third parties or external bodies, unless this is delegated to officers in accordance with the Scheme of Delegation.

22.15 It is the responsibility of the Chief Finance Officer to advise on the establishment and operation of any trading accounts within the Council.

23. TREASURY MANAGEMENT

Overview

23.1 The Council adheres to the '*CIPFA Code of Practice on Treasury Management*'. The Code, together with the Council's own policies, aims to provide assurances that money is properly managed in a way which balances risk with return, with the overriding consideration being the security of the capital sum.

Key Control Requirements

23.2 The Council will create and maintain the following documents and principles, as the cornerstone for effective treasury management:

- (i) An annual Treasury Management Strategy Statement that sets out the policies, objectives and approach to risk management for treasury management activities;
 - (ii) Treasury Management Practice statements (TMPs) setting out the manner in which the Council will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities;
 - (iii) The content of the Strategy Statement and TMPs will follow the recommended practice the Code, subject only to amendments where necessary to reflect the particular circumstances of this Council. Such amendments should not result in the Council materially deviating from the key principles in the Code; and
 - (iv) All funds held by the Council will be controlled by the Chief Finance Officer.
- 23.3 The Audit Committee, Leader/Executive and Council will receive reports on the treasury management policies, practices and activities, including as a minimum an annual Strategy in advance of the year, a mid-year review, and an annual report after its close, in the form prescribed in the TMPs.
- 23.4 The Chief Finance Officer has delegated responsibility for the implementation and monitoring of treasury management policies and practices, and for the execution and administration of treasury management decisions. They will act in accordance with the Council's policy statement and TMPs and with CIPFA's Standard of Professional Practice on Treasury Management.
- 23.5 The Audit Committee is the body with responsibility for ensuring effective scrutiny of the treasury management Strategy, performance and procedures.

24. PAYMENTS TO OFFICERS AND MEMBERS

Overview

- 24.1 Staff costs are the largest item of expenditure for the majority of Council services. It is therefore important that there are effective controls in place to ensure that payments are made only where due for work undertaken and that payments are consistent with the Council's conditions of employment and individual contract of employment terms.
- 24.2 The Managing Director is ultimately responsible for the overall management of staff, and for ensuring compliance with the Council's employment policies. They are also ultimately responsible for ensuring that there is proper use of

job evaluation, or equivalent agreed systems, for determining the remuneration of posts.

- 24.3 The Managing Director is ultimately responsible for making all payments of salaries, wages and allowances to all staff, and for making payments of allowances to Members.
- 24.4 The Chief Finance Officer is responsible for advising Directors and Heads of Service, in the light of guidance issued by appropriate bodies and relevant legislation, on related taxation requirements.

Key Control Requirements

- 24.5 Directors, Heads of Service and officers reporting directly to a Head of Service, are responsible for managing the cost of appropriately staffing the Council's services:
- (i) Advising the Leader/Executive on the budget necessary, in any given year, to cover estimated staffing levels;
 - (ii) Adjusting the staffing to a level that can be funded within approved budget provision, varying the provision, as necessary, within that constraint, in order to meet changing operational needs; and
 - (iii) The proper use of appointment procedures.
- 24.6 The key controls for payments to officers and Members are:
- (i) Proper authorisation procedures (in line with the Scheme of Delegation) and adherence to corporate timetables for starters, leavers, variations and enhancements must be complied with;
 - (ii) Frequent reconciliation of payroll expenditure must be undertaken against approved budgets;
 - (iii) All requests for payment should only be made on documentation prescribed by the Chief Finance Officer;
 - (iv) All remuneration paid to directly employed officers must be paid through the Council's payroll system;
 - (v) All remuneration paid to other employed officers must be made through the Council's payments system;
 - (vi) All absences from duty due to sickness or other reasons must be properly recorded in an approved format;
 - (vii) Information necessary to maintain records of service for pension funds must be properly recorded in an approved format;
 - (viii) Where required, all timesheets or other pay documents must be submitted by the Officer and authorised by an approved member of staff confirming the entries to be accurate;
 - (ix) An up-to-date list of Officers authorised to certify salary documents (the 'Authorised Signatory List') must be provided to the Chief Finance

Officer and Head of Service Responsible for payroll, and any additions/deletions reported on a timely basis;

- (x) A Members' Allowances Scheme must be approved by the Council and all payments to Members must be made in accordance with that approved scheme;
 - (xi) All appropriate payroll documents must be retained and stored for the defined period in accordance with the Council's guidance in document retention; and
 - (xii) Where write off is considered necessary in the case of irrecoverable overpaid salary approval is delegated to the Managing Director in consultation with the Head of Service responsible for Human Resources and the Chief Finance Officer.
- 24.7 Officers may incur certain expenses in the course of their Council duties. In normal circumstances, the need to incur such expenses must be approved in advance and must be incurred in the most cost-effective way.
- 24.8 All officers submitting claims for expenses must ensure that the claim is in respect of legitimate and authorised expenditure, which has been incurred on Council business and supported by an official receipt, wherever possible.
- 24.9 Certification must be taken to mean that the authorising Officer is satisfied that journeys were approved, the expenses properly and necessarily incurred and that the allowances are properly payable by the Council.
- 24.10 All claims for expenses are to be paid through the Council's Payroll System. To ensure the best value, pre-booking of travel is to be encouraged wherever possible.
- 24.11 Claims are to be made on an approved form clearly detailing the expenditure incurred, supported by receipts where applicable, dated, coded, confirmed by the claimant and approved by the appropriate authorising Officer.

25. ORDERING AND PAYING FOR WORK, GOODS AND SERVICES

Overview

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

- 25.2 Every Officer and Member of the Council has a responsibility to declare any links or personal interest which they may have with purchasers or suppliers and/or contractors if they are engaged in contractual or purchasing decisions on behalf of the Council. In addition they must comply with relevant Codes of Conduct and procedures.

Key Control Requirements

- 25.3 The key controls for ordering and paying for work, goods and services are:
- (i) All purchases of work, goods and services must comply with the Council's Contract Procedure Rules; and
 - (ii) An up-to-date list of Officers authorised to certify both orders and payment documents is held by the Chief Finance Officer.

Ordering of Works, Goods and Services

- (i) All orders for works, goods and services must be recorded accurately and promptly;
- (ii) All goods and services must be ordered in accordance with the procedure prescribed by the Chief Finance Officer;
- (iii) All orders must be in a form approved by the Chief Finance Officer;
- (iv) Orders must be issued for all work, goods or services, except for supplies of utilities, periodic payments such as rent, petty cash purchases or other exceptions approved by the Chief Finance Officer;
- (v) Orders must not be used for any personal or private purchases, nor must personal or private use be made of Council contracts;
- (vi) Any purchase of IT software, hardware or consumables requires the approval of the Head of Service responsible for ICT;
- (vii) Each order must conform to the Council's standard terms and conditions of business. The Council's standard terms and conditions must not be varied without the prior approval of the Monitoring Officer and the Chief Finance Officer;
- (viii) Orders must not be issued unless the full cost is covered by an approved budgetary allocation;
- (ix) Orders committing expenditure must be recorded in the Council's accounts; and
- (x) Goods and services must be checked on receipt to ensure they are in accordance with the order, in terms of price, quantity and quality.

Payments for Works, Goods and Services

- (i) All services or goods must be receipted as they are received;

- (ii) No invoices will be passed for payment unless matched to a goods received note;
- (iii) All invoices must be properly addressed and invoices may only be paid which settle a liability of the Council;
- (iv) All payments must be made to the correct person/persons, for the correct amount and must be properly recorded regardless of the payment method;
- (v) No payment shall be made to any organisation in advance of works, goods or services being rendered to the Council except in instances of contractual obligations, subscriptions, membership, fees and training courses. Prior consent of the responsible Head of Service and the Chief Finance Officer must be obtained in all other instances;
- (vi) If the supply is subject to VAT no payment will be made without a proper VAT invoice. In exceptional cases, approved by the Chief Finance Officer, a pro-forma invoice will be accepted;
- (vii) The correct documentation must be received before invoices are processed to pay suppliers who fall under the Construction Industry Scheme;
- (viii) No payment will be made to an individual who should properly be paid through the Council's payroll and subject to PAYE deductions;
- (ix) All appropriate payment documents must be retained and stored for at least the defined period in accordance with the Council's document retention guidance;
- (x) Directors and Heads of Service, and those other officers reporting directly to a Head of Service must ensure that invoices are dealt with promptly, properly certified, ensuring that any discounts available can be obtained and that the performance indicator for payment timescales is met;
- (xi) All expenditure including VAT must be recorded accurately and promptly against the correct budget;
- (xii) The Chief Finance Officer must be consulted before establishing any e-business/e-commerce and electronic purchasing processes in order to maintain security and integrity;
- (xiii) The preferred method of payment will be determined by the Chief Finance Officer. This is currently BACS, credit card or electronic transfer drawn on the Council's bank account;
- (xiv) Cheques will only be drawn in exceptional circumstances approved by the Chief Finance Officer;
- (xv) Petty cash and other payments from imprest/advance accounts must only be used in circumstances agreed by the Chief Finance Officer;
- (xvi) Payment by direct debit or standing order requires the prior approval of the Chief Finance Officer; and

- (xvii) Budget holders must maintain records to enable them to notify the Chief Finance Officer of any committed expenditure where the goods or services have been received but not paid for.

26. INCOME COLLECTION AND DEBT MANAGEMENT

Overview

26.1 Effective utilisation of income collection and debt management systems ensures that all income due to the Council is identified, collected, recorded and banked properly. Whenever possible payment will be obtained in advance of supplying goods or services. This optimises the Council's cash flow and reduces the time, cost and risks of administering debts.

Key Control Requirements

26.2 The key controls for the collection of income are as follows:

Fees and Charges

- (i) Legal liability for payment of money to the Council must be clearly established before the Council commits itself to providing any goods or services;
- (ii) All fees and charges levied by the Council must be in accordance with all governing legislation;
- (iii) Fees and charges must be at a level that recovers both direct and overhead costs, unless there is a statutory restriction, Leader/Executive decision or other valid reason to deviate;
- (iv) Scales of fees and charges for goods/services must be reviewed annually and approved in line with the Scheme of Delegation; and
- (v) Debt Management Protocols exist and must be reviewed regularly.

Debt Management

- (i) All income due to the Council must be identified and recorded fully and promptly in the Council's primary billing systems:
 - Council Tax and Non-Domestic Business Rates
 - Sundry Debtors in the General Ledger
 - Developer Contributions in the Section 106/CIL database
- (ii) Invoices must be sent to the debtor promptly;
- (iii) Receipts must be provided in the format agreed by the Chief Finance Officer;
- (iv) Invoices must be in a format agreed by the Chief Finance Officer;
- (v) Invoices may be cancelled in consultation with the Chief Finance Officer where the debt is confirmed to be invalid;

- (vi) Effective action must be taken to pursue non-payment of debt within defined timescales;
- (vii) Subsidiary billing systems must be capable of providing the same proof of the period for which the debt is due and the payment status of the debt as the Primary ledger; and
- (viii) The subsidiary billing systems must provide information in a format subscribed by the Chief Finance Officer for periodic review and reconciliation.

Receipts

- (i) All money received by an Officer on behalf of the Council must be paid without delay into the Council's bank account;
- (ii) Council Officers must issue an official receipt where an invoice has not been raised. Receipts must be provided only on request to other payers;
- (iii) Manual receipts (where provided) must be signed by the Officer receiving the money on behalf of the Council;
- (iv) Every transfer of Council monies from one Officer to another must be evidenced by the signatures of the Officers;
- (v) All receipt forms, books, tickets etc. must be in a form approved by the Chief Finance Officer;
- (vi) Personal cheques or electronic transactions must not be cashed out of money held on behalf of the Council;
- (vii) Income documents must be retained for the defined period in accordance with Council guidance on document retention; and
- (viii) All money received must be processed through the Council's income management system.

Banking of Receipts

- (i) All income received by the Council must be banked promptly;
- (ii) Until the cash is banked it must be retained securely in a cash box or locked drawer or cabinet. The amounts held must never exceed the limits agreed with the Chief Finance Officer;
- (iii) All monies received must be reconciled to local systems and should not be banked until a full reconciliation has been performed sufficient to detail that the money due has been collected and to provide a full audit trail for each banking or deposit made;
- (iv) All money received must be banked intact. In all cases it must be fully accounted for and not netted off; and
- (v) All bankings must be prepared in accordance with procedures prescribed by the Chief Finance Officer and using paperwork approved by them.

Writing Off Debt

- (i) Approval for write-off of irrecoverable debt must be obtained (see Annex 1); and
- (ii) Accounting adjustments must be made promptly following write off.

27. BANKING ARRANGEMENTS

Overview

27.1 The Council operates a number of bank accounts for the collection and payment of monies. Receipts and payments are made through these accounts by both manual (cash, cheques) and electronic (BACS, CHAPS) means. Most payments/receipts should come through the Council's centrally held main accounts; only in exceptional circumstances will separate accounts with cheque books/paying in facilities be authorised by the Chief Finance Officer.

Key Control Requirements

- 27.2 All arrangements with the Council's bankers concerning the Council's bank accounts will be made through the Chief Finance Officer. Only the Chief Finance Officer is authorised to open bank accounts relating to the Council's business or referencing the name of the Council.
- (i) All cheques, payment forms and credit cards, must be ordered only on the authority of the Chief Finance Officer and proper arrangements for their safe custody will be made;
 - (ii) Credit card holders must comply at all times with the terms and conditions of use that are issued by the Chief Finance Officer and signed by the cardholder on receipt of the card;
 - (iii) All methods of electronic payments must be controlled by the Chief Finance Officer;
 - (iv) Access to banking software and the ability to perform payments and transfers must be controlled by the Chief Finance Officer on any account bearing the name of the Council;
 - (v) Cheques on the Council's banking accounts must bear the facsimile signature of the Chief Finance Officer and must be signed by either the Chief Finance Officer or their representative; and
 - (vi) Every cheque for £20,000, or more, or amendments to cheques, must bear the personal signature of the Chief Finance Officer or their authorised representative.
- 27.3 All bank accounts must bear an official title and in no circumstances shall an account be opened in the name of an individual. All stocks of cheques must

be held securely and stock records maintained to identify both issued and spoilt cheques.

- 27.4 Bank accounts must be reconciled with general ledger cashbooks at least once in each month and any discrepancies identified and appropriate action undertaken immediately.

28. TAXATION

Overview

- 28.1 The Council is responsible for ensuring all tax affairs are in order. Tax issues are often complex and the penalties for incorrectly accounting for tax are severe. It is therefore important for Officers to be aware of their role.
- 28.2 When considering undertaking a new line of business it is the responsibility of the Head of Service to notify the Chief Finance Officer in good time so as to be able to commission expert external advice around the proper management of tax affairs.

Key Control Requirements

- 28.3 The key controls on taxation are operated by the Chief Finance Officer and cover the following:
- (i) Directors, Heads of Service and those other officers reporting directly to a Head of Service must be provided with the relevant information and be kept up to date on tax issues by the Chief Finance Officer;
 - (ii) They must be instructed on required procedures for record keeping;
 - (iii) All fees and charges must be reviewed by the Chief Finance Officer prior to their publication to ensure that prices bear the appropriate VAT rate and that this is clear to those purchasing or receiving those services;
 - (iv) All taxable transactions must be identified, properly carried out and accounted for within stipulated timescales;
 - (v) All records must be maintained in accordance with instructions;
 - (vi) All returns must be made to the appropriate authorities within the stipulated timescales; and
 - (vii) An Officer must be nominated by the Chief Finance Officer to take responsibility for taxation issues and liaison with agencies such as HM Revenue & Customs.

ANNEX 1 – WRITE OFF PROCEDURES FOR BAD DEBTS

- 1.1 It is essential that the Council bills and collects all income that is due to it and that only when all appropriate and cost-effective recovery action has been fruitless should writing off be considered.
- 1.2 Where write off is considered appropriate for debts the following procedure and limits must be followed:
- (i) In all cases the reason must be documented;
 - (ii) It must also be made clear what recovery action has been followed and why it is not now considered cost effective to pursue further recovery action;
 - (iii) The authorisation limits and approval required for writing off of debt are as set out below:
 - (iv) Debts written off will be charged to the originating Service Unit. Only in exceptional cases will the Chief Finance Officer authorise the write off directly against the Council's general bad debt provisions; and
 - (v) A report will be made annually to the Leader/Executive on bad debt provisions.
- 1.3 Approval of debt write off will be in accordance with the following limits:
- | | |
|---|--|
| (i) For debts up to £1,000 | Head of Revenues,
Benefits & Fraud |
| (ii) For debts between £1,000 and £10,000 | Chief Finance Officer |
| (iii) For debts over £10,000 | Chief Finance Officer in
consultation with the
Portfolio Holder for
Finance |

ANNEX 2 - GUIDANCE ON THE DESTRUCTION OF DOCUMENTS

Record	Minimum Period of Retention
RATES AND COUNCIL TAX	
Valuation Lists	Indefinitely
Valuation Officers Directions	Indefinitely
Primary Council Tax and Rate Records	6 years
Supporting Documents to above	12 months from completion of audit of year's accounts
Bailiffs Completed Receipt Books	6 years
HOUSING RENTAL RECORDS	
Housing Property File/Ledger	3 years
Housing Primary Collection Records	3 years
Other Subsidiary Records	12 months from completion of audit of year's accounts.
GENERAL INCOME	
Periodical Income Register	3 years
Primary Debtors Records	6 years
Supporting Documentation to above	12 months from completion of audit of year's accounts
Income Returns from Departments	6 years
Completed Receipt Books	3 years
Cash Register Rolls	Current plus year of audit
Housing Act Advances	Basic Information to be retained 12 months after final repayment made
Car Loan Advances	
Private Street Works	
Public Health Acts, etc.	
BENEFITS RECORDS	
All Benefits Records (including Council Tax Benefit, Rent Allowances and Rent Rebates)	6 years
EXPENDITURE RECORDS	
Register of Tenders	Indefinitely
Contract Documents (under seal)	12 years
Contract Documents (not under seal)	6 years
Unsuccessful Quotations/Tenders	12 months from completion of audit of year's accounts
Contracts Register	Indefinitely
Contract Final Account Documents	12 years
Requisitions	3 years
Copies of Official Orders	3 years

Record	Minimum Period of Retention
EXPENDITURE RECORDS CONT'D	
Delivery Notes	12 months from completion of audit of year's accounts
Periodical Payments Register (dead cases)	3 years
Paid Accounts	6 years
Paid Cheques	6 years
Stores Prime Records	12 months from completion of audit of year's accounts
Haulage Prime Records	6 years
Postage Returns	6 years
Inter-Departmental Transfer Accounts	6 years
Final Expenditure Tabulations	12 months from completion of audit of year's accounts
Final Costing and Financial Tabulations	Indefinitely
Rechargeable Work Job Orders	6 years
Petty Cash Vouchers	6 years
Members' Allowances Register	6 years
PAYROLL RECORDS	
Time and Bonus Sheets Car Allowance Claims	24 months from Completion of audit of year's accounts
Other Staff Returns	
Payrolls (in final form)	3 years
P.11 and P.35 Returns	3 years
National Insurance Schedules	6 years
OTHER ACCOUNTING RECORDS	
General	
Bank Pass Book Sheets	6 years
Receivership Records	6 years
Cashiers Collection and Deposit Books	12 years
Cashiers Petty Cash Account	6 years
Post Dated Cheques Register	6 years
RD Cheques Register	6 years
Cheques Control Register	6 years
Unpaid Wages Book	6 years
Controlled Stationery Registers	Indefinitely
Investments	
Register of Investments	Indefinitely
Bought and Sales Notes	6 years
Loans	
Register of Bonds/Mortgages	Indefinitely
Copy Bond Certificates	6 years after redemption
Temporary Loans Register	12 months after completion of audit of year's accounts
Insurances	

Procedure Rule 7 – Financial Procedure Rules

Record	Minimum Period of Retention
Register of Insurances Insurance Policies	Indefinitely 24 months after cessation of policy

ANNEX 3 - SCHEME FOR AMENDMENTS OF THE REVENUE BUDGET

- 1.1 During the course of any financial year, there will be changes in both legislation and the environment within which the Council operates. These changes will impact upon the policy framework set by the Council and have varying impacts upon the Council budget requirement (i.e. Approved Budget), depending on the nature of the change.
- 1.2 The purpose of this scheme is to set out the different situations as to how changes might impact upon the Council and budget requirement and how they will be resolved.
- 1.3 Monetary value has been used within the scheme as the principal measure of impact and magnitude of the change.
- 1.4 All possible action should be taken by Budget Holders to absorb the changes within their budget allocations. Heads of Service have discretion to move budgets around within individual services under their control (subject to no movement (or virement) of monies in and out of the salary budgets). All changes must be recorded on a form specified by the Chief Finance Officer and actioned within the budgets by the Chief Finance Officer’s team.
- 1.5 Where it is not possible to absorb the changes, Budget Holders should seek, in writing, a request for additional budget or a call on earmarked Reserves to be allocated to them, on a form specified by the Chief Finance Officer.
- 1.6 Approval of additional budget allocation or a call on earmarked Reserves will require specific approval(s). These will vary according to both the financial value and nature/impact of the change. The following situations have been included as examples of the approvals required in certain situations. If it is not clear which situation applying in a specific case then the Budget Holder must seek guidance from the Chief Finance Officer.

Situation 1 Short term impact, arising from a demonstrable change in the demand for a service

This reflects a situation where the change creates a temporary increase in the demand of a particular service.

Approval Required From	Chief Finance Officer in Consultation with the Relevant Service Portfolio Holder	Chief Finance Officer
Over £50,000	✓	
Under £50,000		✓

Situation 2 Technical accounting adjustments arising from changes in legislation or regulations

Procedure Rule 7 – Financial Procedure Rules

Delegated to the Chief Finance Officer in consultation with the relevant Portfolio Holder.

Situation 3 Long-term service related impacts that have no impact upon the Council overall budget requirement

Delegated to the Managing Director and Chief Finance Officer in consultation with the Executive.

Situation 4 Changes to the Council's Policy Framework, that have a direct impact upon the Council budget requirement

The following table needs to be considered in the context of Policy Framework and Budget Procedure Rules 5(b):

Approval Required From	Full Council	Executive	In Consultation with the Relevant Service Portfolio Holder	Chief Finance Officer & MD	Head of Service
Over £250,000	✓				
Over £100,000 and up to £250,000		✓			
Over £50,000 and up to £100,000			✓	✓	✓
Under £50,000				✓	✓

ANNEX 4 - PROCEDURE FOR REPORTING CONTRACT OVER/UNDERSPENDS

For the purposes of these procedures the following limits shall apply:

Approved Project Budget	Tolerance Limit
Above £500,000	£25,000 or more
£50,001 - £500,000	The greater of £10,000 or 5%
Less than £50,000	£5,000 or more

Formal reporting of overspends, based on the limits above shall be a minimum of:

- (a) Projected overspends within the tolerance limits - shall be reported to the Chief Finance Officer together with proposals for substituting expenditure on other schemes within the same service. If this is not possible the Chief Finance Officer will recommend how the scheme is to be funded and such overspend will be clawed back from the same service's programme in the following year;
- (b) Schemes costing £50,000 or less where the projected overspend exceeds the tolerance limit – the overspend shall be reported to the Chief Finance Officer and the relevant Portfolio Holder. The relevant Head of Service shall agree with the Portfolio Holder funding from within other projects controlled by them. If this is not possible the same rules as (a) shall apply;
- (c) Schemes costing over £50,000 where the projected overspend exceeds the tolerance limits – the overspend shall be reported to the Chief Finance Officer who shall recommend the action to be taken to the Executive.

Where there are savings on schemes these shall be reported to the Chief Finance Officer, who may, for amounts less than £20,000, agree to additional schemes in the same service area.

CONTRACT PROCEDURE RULES

GENERAL	1
INTRODUCTION	1
APPLICATION	2
PREPARING FOR THE CONTRACT	4
CONTRACT/TENDER INFORMATION TO BE RECORDED ON IN-TEND	4-5
RESPONSIBILITIES OF THE PROCURING OFFICER.....	6-7
INVITATION TO QUOTE (ITQ) INVITATION TO TENDER (ITT) DOCUMENTS SPECIFICATION AND EVALUATION CRITERIA	8-9
PROCEDURAL STEPS OF THE PROCUREMENT	10
ESTIMATED VALUE OF CONTRACTS	10-12
DIVISION OF CONTRACTS	13
SPECIALIST ADVICE	14-15
FRAMEWORK AGREEMENTS	16-17
PROCEDURAL RULES FOR A PROCUREMENT.....	18
TABLE 1: PROCEDURAL STEPS OF A PROCUREMENT	
TENDER AND QUOTATION HANDLING PROCEDURE	19
STANDARD SELECTION QUESTIONNAIRE (SSQ), ELECTRONIC SINGLE PROCUREMENT DOCUMENT (ESPD) OR PUBLICLY AVAILABLE SPECIFICATION (PAS 91)	19-22
TENDER OPENING	23-24
CLARIFICATIONS OF TENDERS	25-27
POST TENDER NEGOTIATIONS	28-30
CONTENT OF CONTRACTS	31
TERMS AND CONDITIONS OF CONTRACTS	31-32
PUBLIC LIABILITY INSURANCE AND PROFESSIONAL INDEMNITY INSURANCE	33-35
TABLE 2: INSURANCE REQUIREMENTS SUMMARY	36
ASSIGNMENT OF CONTRACTS	37
LIQUIDATED DAMAGES.....	38
CORRUPTION, BANKRUPTCY AND CANCELLATION.....	39-40
PERFORMANCE BONDS	41-42
NOMINATING SUBCONTRACTORS AND SUPPLIERS	43-44
CONSULTANTS	45
MANAGING THE CONTRACT	46
CONTRACT MANAGEMENT.....	46-48
VARIATIONS	49-51
CONTRACTS REGISTER.....	52-53
RETENTION OF RECORDS	54-56
CONFLICT OF INTEREST	57-58
APPENDIX A: APPLYING FOR EXEMPTIONS FROM CONTRACT PROCEDURE RULES.....	

General

Introduction

1. These Contract Procedure Rules (CPRs) apply to all procurement on behalf of the Council. They apply equally to the supply of goods, materials, services or other work. In procuring such contracts, the overriding objective is to obtain the best value for the Council. The officer of the Council procuring (Procuring Officer) must consult with the Council's Procurement Officer and Legal Services prior to commencing any procurement exercise.

Application

2. Every contract procured by or for the Council must comply with these CPRs except where exemptions are obtained in advance. The circumstances where an exemption would apply are listed in Appendix A.

Preparing for the Contract

Contract/tender information to be recorded on In-Tend

4. All Tenders and Contracts over £10,000.00 must be fully documented on the In-Tend e-procurement system.
5. All contract files should clearly record the identity of the officer undertaking the procurement (the Procuring Officer).

Responsibilities of the Procuring Officer

6. The Procuring Officer is responsible for ensuring and recording that the relevant authority (in accordance with Table 1) has been obtained and there is sufficient budget in place for the procurement before any steps are undertaken.
7. The Procuring Officer is to ensure that the supplier is sufficiently capable and financially sound to undertake the contract by making enquiries, pursuing references and reviewing the quotes, tender proposals/method statements as appropriate, during the procurement process.

Invitation to Quote (ITQ) Invitation to Tender (ITT) documents specification and evaluation criteria (Over £10,000.00.).

8. A ITQ or ITT document, specification and evaluation criteria must be prepared by the Procuring Officer, in advance of tenders or quotations being sought. The evaluation criteria will be set to identify the "most economically advantageous tender" (MEAT), based on price and a range of value considerations. Both the specification and the evaluation criteria must be recorded and used to evaluate tenders/quotations received.
9. If a potential supplier requires information not provided in the ITQ/ITT and specification documents, such additional information must be sent to all other bidders through the clarification link within the project summary on the In-Tend portal. It is important that all potential suppliers are treated equally.

Procedural Steps of the Procurement

Estimated value of contracts

10. An estimated value must be identified and documented for every contract immediately before starting the procurement process to confirm there is adequate budget provision, and to determine the appropriate form of tender or quotation process to follow detailed in Table 1.
11. For contracts which continue over a number of years, the estimated value of the contract shall be taken to be **the annual value multiplied by term of the contract including any extension periods** to assess whether the relevant Public Contracts Regulations apply.
12. For contracts which repeat annually but have no fixed contract term, the annual value should be multiplied by four years.

Division of contracts

13. Large scale works or orders must not be broken down into smaller units for the purpose of creating lower value contracts to avoid Public Contracts Regulations unless, there are sound, operational or management reasons for doing so. Procuring Officers should take into consideration that in some cases splitting the contract into lots may be advantageous to the Council and will make the contract more attractive to suppliers, particularly small and medium sized enterprises (SME's).

It is a legal requirement to consider whether to split a contract into lots. Consideration must be given to this and when lots are not used the Procuring officer must be able to justify why it was not considered appropriate to do so.

Specialist advice

14. All contracts above the relevant thresholds must comply with the relevant Public Contracts Regulations as applicable. Where there is a conflict between these CPRs and any statutory provision, the law must prevail. Advice on the tender process and form of contract should be taken from the Procurement Officer and Legal Services at the start of any procurement project.
15. The procedures outlined by contract value in Table 1 below are the minimum. It is important to remember that procurement rules are designed to achieve best value for the residents of Reigate & Banstead. Consequently, where better value for the Council might be achieved by seeking more tenders or quotations, this should be done. The figures outlined in this document are exclusive of VAT.

Framework agreements

16. Procuring Officers wishing to let a Framework Agreement should follow the steps required in Table 1.
17. Procuring Officers may purchase goods, works or services from existing Framework Agreements if best value can be demonstrated.

Procedural rules for a procurement

18. The Procuring Officer must ensure that all procurement activity complies with the procedures shown in Table 1 below.

Table 1: Procedural steps of a procurement

1. Value over 4 years?	2. Use In-Tend?	3. Procedure?	4. Minimum number of quotes or tenders?	5. Use a SSQ /PAS91?	6. Minimum time for receipt of quotes or tender?	7. Authority to award contract?	8. Contract requirement & signatory?	9. Errors & exemptions agreed by?
Up to £10,000	Optional	Contact Supplier	1 written quote	No	Determined by the Procuring Officer	Service Manager (or delegated officer acting on behalf of Service Manager)	No. Retain quotes and invoices. Notify Procurement Officer of any spend over £5000 for inclusion on the Contracts Register	Service Manager
£10,001 - £25,000	Project Wizard – Quick Quote on In-tend	ITQ	Up to 3 invited suppliers to take part in tender or Open competition (at the discretion of the Procuring Officer)	No	Determined by the Procuring Officer or 14 days for open competition	Service Manager (or delegated officer acting on behalf of Service Manager)	Yes. as agreed by Legal Services To be signed by Service Manager (or delegated officer).	Service Manager
£25,001 - £181,302	Project Wizard - Quick Quote on In-tend Or New Project – Process on In-tend	ITT or Further Competition or Direct Award if using a Framework Agreement	Minimum of 4 invited suppliers to take part in tender or Open competition in the UK or As per Framework requirements	No	21 days or As per Framework requirements	Service Manager	Yes – as agreed by Legal Services. To be signed by Service Manager.	Service Manager in consultation with CFO & Portfolio Holder
£181,302 - £4,551,413 Works only ³	Project Wizard - Quick Quote on In-tend Or Project –New Project on In-tend	ITT or Further Competition or Direct Award if using a Framework Agreement	Minimum of 4 invited suppliers to take part in tender or Open competition in the UK or As per Framework requirements	Use PAS91	21 days or As per Framework requirements	Up to £250 ,000 – Service Manager in consultation with relevant Portfolio Holder Above £250,000 – Executive	Yes – as agreed by Legal Services. Up to £250,000 to be signed by Service Manager. Above £250,000 to be signed by Managing Director and Legal Services Officer.	Up to £250,000 - Portfolio Holder, CFO & Service Manager Over £250,000 - Executive
EU Threshold Tenders								
£181,302 and above Supplies and Services ²	Yes New Project	OJEU with ITT Or Further Competition or Direct Award if using a Framework Agreement	Open procedure ¹ – unlimited Restricted procedure ¹ – top 5 from SSQ shortlist (Part 3) Other procedures ¹ – appropriate numbers as agreed with Procurement Officer and Legal Services As per Framework requirements	Yes standard SSQ available online on In-Tend	Open procedure – 35 days (5 day reduction for electronic tender bids) All other procedures: SSQ - 30 days, plus subsequent ITT - 30 days Or As per Framework requirements	Up to £250 ,000 – Service Manager in consultation with relevant Portfolio Holder Above £250,000 – Executive	Yes – as agreed by Legal Services. Up to £250,000 to be signed by Service Manager. Above £250,000 to be signed by Managing Director Officer and Legal Services Officer.	Up to £250,000 - Portfolio Holder, CFO & Service Manager Over £250,000 - Executive
£4,551,413 and above Works only ³	Yes New Project	OJEU level ITT Or Further Competition or Direct Award if using a Framework Agreement	Open procedure ¹ – unlimited Restricted procedure ¹ – top 5 from PAS 91 shortlist Other procedures ¹ – appropriate numbers as agreed with Procurement Officer and Legal Services. As per Framework requirements	Yes standard SSQ available online on In-Tend or PAS 91	Open procedure – 35 days (5 day reduction for electronic tender bids) All other procedures: SSQ - 30 days, plus subsequent ITT - 30 days Or As per Framework requirements	Executive	Yes – as agreed by Legal Services. To be signed by Managing Director Officer and Legal Services Officer.	Executive

¹ OJEU - For EU procurements different procedures can apply (i.e. open, restricted, competitive dialogue, competitive procedure with negotiation or innovation partnerships). Contact the Procurement Officer or Legal Services to agree the most appropriate method.

² Consumable goods and services.

³ Building or civil engineering projects

Abbreviations

OJEU Official Journal of the European Union
CFO Chief Finance Officer
HoS Head of Service

SSQ Standard Selection Questionnaire
ITQ Invitation to Quote
ITT invitation to Tender

PAS91 Construction pre qualification questionnaires (Publicly Available Specification (PAS))
Procurement Regulations Public Contract Regulations and the Concession Contracts Regulations

Tender and quotation handling procedure

Standard Selection Questionnaire (SSQ), Electronic Single Procurement Document (ESPD) or Publicly Available Specification (PAS 91)

19. The SSQ, ESPD and PAS 91 asks potential supplier to self declare their status against the exclusion grounds and selection questions. All self-assessment of compliance must be accepted and evidence is only required of the winning bidder.

The SSQ consists of 3 parts

Part 1

The first part covers basic information about the supplier such as the contact details, trade memberships, details of parent companies, group bidding and so on.

Part 2

The second part covers self declaration regarding whether or not any of the exclusion grounds apply.

(It is mandatory for a bidder to complete Part 1 and Part 2 of the SSQ, or the ESPD template, for all Procurements above EU thresholds)

Part 3

The final part covers a self declaration regarding whether or not the supplier meets the selection criteria in respect of their financial standing and technical capabilities.

(The questions included in Part 3 of the SSQ should be adopted across all relevant procurement procedures over the threshold. You do not have to use all the questions - only those relevant and proportionate to the contract).

Part 1, Part 2 and Part 3 of the SSQ have been created in the form of “questionnaires” on the In-tend system and are available for use on all Tenders above EU threshold.

20. The European Single Procurement Document (ESPD) is a standard form for use by all EU member states, allowing bidders to self-declare that they meet selection and exclusion criteria, without the need to provide evidence unless they are the winning bidder.
21. PAS 91 provides a set of questions to be asked by Procuring Officers of potential suppliers to enable prequalification for construction projects.
22. For works contracts (including the procurement of goods and services in relation to the works) valued between the supplies and services EU threshold and the works EU threshold you may use a two stage tender process and make use of the PAS91 PQQ to shortlist potential bidders.

Tender opening

23. All tenders for contracts must be returned through the In-Tend system and must only be opened via the appropriate tender opening process.
24. The Procuring Officer may wish to invite the Service Manager and Portfolio holder to observe the opening ceremony if the tender is valued at more than the EU threshold.

Clarifications of tenders

25. Tender or bid clarifications may become necessary during the evaluation of tenders e.g. if a bid appears especially low, or especially high on price or where there are aspects of the bids that are unclear or contain minor errors.
26. Clarification may also be sought from tenderers on matters of quality or performance or particular terms and conditions of contracts.
27. The Procuring Officer should give all tenderers who are able to meet the requirements of the tender the same opportunity to engage in tender/bid clarification. All communication with individual suppliers must be via the correspondence link on the In-Tend portal to maintain a proper audit trail.

Post tender negotiations

28. The Procuring Officer should take advice from Legal Services and no negotiations may be entered into with any suppliers submitting tenders or quotations unless the Chief Finance Officer considers it necessary to obtain best value for the Council, to accommodate unforeseen changes in the specification, or for any other reason the Chief Finance Officer considers is appropriate.
29. In this event, details of the negotiations must be recorded in writing and must be conducted either solely with the supplier who has won the tender, or with all suppliers who have submitted tenders. The reasons for entering into post tender negotiations must be recorded.
30. For procurements which fall within the remit of the Public Contracts Regulations, no negotiations shall be allowed unless the procurement adopts one of the procedures under the relevant Public Contracts Regulations which allow for negotiation.

Content of Contracts

Terms and conditions of contracts

31. All must be in writing, in a form approved by Legal Services.
32. On some occasions the Council may be obliged to contract on the standard terms and conditions of another supplier on low value purchases. In these cases:
 - (a) Complete the invitation to quote template (ITQ) and produce a specification of the services required and send to the Procurement Officer.

Procedure Rule 8 – Contract

- (b) The Procurement Officer will approach Legal Services to agree on the Terms and Conditions of contract.
- (c) Legal Services will advise if the suppliers Terms and Conditions can be used in this instance.

Public liability insurance and professional indemnity insurance

- 33. The Procuring Officer must consider the Council's need for appropriate indemnities backed by insurance. In the case of a contract for works or services, the contract must require the supplier to carry Public Liability insurance to a minimum of £5m unless otherwise agreed by the Chief Finance Officer.
- 34. In the case of a contract for professional services, the contract must require the supplier to carry Professional Indemnity insurance to a minimum of £5m unless otherwise agreed by the Chief Finance Officer.
- 35. For all contracts there must be a requirement for the supplier to carry Employers Liability insurance to a minimum of £5m.
- 36. These insurance requirements are summarised in the table below:

Table 2: Insurance Requirements Summary

Type of insurance	Minimum Value
Public Liability	£5 million
Professional Indemnity	£5 million
Employers Liability	£5 million

Assignment of contracts

- 37. Assignment or under-letting of contracts is not to be permitted except with the prior consent of the Chief Finance Officer, and then only where the Chief Finance Officer is satisfied that an effective vetting procedure for assignees or subcontractors has been implemented.

Liquidated damages

- 38. The Procuring Officer must consider whether the contract should provide for the supplier to pay liquidated damages on failure to complete the contract by the specified completion date. Where considered appropriate by the Head of Legal Services, the contract must require the supplier to pay damages for any breach of the terms of the contract. Advice on liquidated damages should be taken from Legal Services at an early stage in the procurement project.

Corruption, bankruptcy and cancellation

39. Every contract must state that the Council may cancel the contract and recover any resulting losses if the supplier, his employees or anyone acting on his behalf, with or without his knowledge, does anything improper to influence the Council or commits an offence under Bribery Act 2010.
40. Every contract must state that if the supplier enters into liquidation or administration, the Council is entitled to cancel the contract and recover any resulting losses.

Performance bonds

41. Where a contract is estimated to be £75,000 or over, the relevant Procuring Officer must discuss with the Service Manager before the procurement, whether the Council should require security for its performance. It must be recorded that either no such security is considered necessary, or, specify in the conditions of tender the nature and amount of security to be given.
42. In the latter case the relevant Service Manager must ensure that the required bond or other security is in place at the time the contract is let.

Nominating subcontractors and suppliers

43. Where it is decided to be in the Council's interest that a subcontractor or supplier should be nominated to a main supplier, at least three tenders for the nomination must be invited in accordance with one of the methods described in Table 1 above.
44. The invitation to tender as subcontractors or suppliers must require an undertaking from any tenderer to enter into a contract with the main supplier, including an obligation to indemnify the main supplier in respect of matters included in the sub contract.

Consultants

45. Any consultant employed by the Council to let or manage contracts must comply with these CPRs. The contract with any consultant must provide that all records maintained by the consultant in relation to a contract must be made available to the Council on request and handed over to the Council on completion of the procurement.

Managing the contract

Contract management

46. For all contracts in excess of £25,000 a Contract Manager should be appointed. Where reasonably practicable, the Contract Manager should be part of the initial procurement process and an officer of Reigate & Banstead Borough Council. The Procuring Officer must notify the name of the Contract Manager to the supplier prior to letting of the contract.
47. The role of the Contract Manager will be to manage the contract throughout its duration, as well as enforce duties owed to the Council under contract and to be responsible on behalf of the Council for those duties owed to the contractor.

Procedure Rule 8 – Contract

48. The responsibilities of the Contract Manager will include:
- (a) Monitoring performance of the supplier against the agreed level of service
 - (b) Monitoring the continuing level of operational and financial risk to which the Council is exposed and to institute controls as appropriate
 - (c) Ensuring the supplier's compliance with all appropriate health and safety obligations
 - (d) Facilitating the resolution of issues between the supplier and users of the service
 - (e) Ensuring prompt payment of invoices and compliance with all financial regulations and CPRs during the lifetime of the contract
 - (f) Ensuring that appropriate arrangements are made for the termination or re-letting of the contract at the appropriate time.

Variations

49. Where the relevant Contract Manager considers an existing contract needs to be varied (i.e. practical changes which do not alter the essential nature of the original contract as opposed to additional works or supplies not originally envisaged) he or she may approve these subject to the proposed variation being contained within the total budget approved for the contract. The reasons for and details of any such variation must be recorded and stored with the contract.
50. For contracts which fall within the remit of the Public Contracts Regulations, no variations are permitted unless such variation is within the scope of the original contract and in accordance with the provisions of the Public Contracts Regulations.
51. Where the approved budget would be exceeded because of the variation, approval for any such variation must be sought in accordance with column 9 of Table 1.

Contracts register

52. All contracts in excess of £5,000 will be recorded using the Reigate and Banstead contracts template within the In-Tend system and this will effectively be the Council's contract register. Where possible, all records of activity up to the letting of the contract will be maintained in the In-Tend system.
53. The Agresso financial system will show the state of account of each contract between the Council and supplier, together with any other payments and related professional fees.

Retention of records

54. Store copies of all contracts for the duration of the contract and a further 6 years.
55. Contracts signed under Seal are required to be stored for the length of the contract and a further 12 years.

Procedure Rule 8 – Contract

56. We are required to grant access to these contracts, but access to specific documents or items of information may be denied under EU or national rules on access to documents and data protection.

Conflict of interest

57. All purchasing decisions should free of any conflict of interest. A conflict of interest may arise where someone involved in the purchasing decision has a close financial or relational connection with a potential supplier (or other party involved) and this could influence the outcome of the buying process.
58. The fact that a supplier may be subject to a conflict of interest does not mean that the supplier should not be considered, so long as the conflict is declared, recorded, its potential impact assessed, and the risks appropriately managed.

Appendix A: Applying for Exemptions from Contract Procedure Rules

Please note

- An exemption can only be granted in exceptional circumstances.
- No Exemption can be granted where the request would result in a breach of EU Procurement Law or Public Contract Regulations.
- All Exemptions will only be granted on a temporary basis.
- Lack of sufficient planning and / or internal process delays does not constitute a reason for an Exemption

Application Procedure

Any exemptions from CPRs must be obtained before the procurement process commences. To obtain an exemption:

- contact the Procurement Officer for a copy of the CPR Exemption Form
- complete the Exemption Form and send to the Authorised Officer (as shown in column 9 of Table 1) for approval
- Once approval has been granted the signed document should be returned to the Procurement officer.
- An ITQ document must be completed and loaded on to In-tend and the named supplier on the Exemption must be invited to submit their quotation through the portal

Examples

CPRs may not apply in the following situations:

1. a procurement by the Council acting solely as the agent of another body in compliance with the contract standing orders of that other body and where the Council either does not incur expenditure, or is to be fully reimbursed by another party.
2. Contracts of employment.
3. Orders placed against a Call-off Contract itself awarded in accordance with these CPRs.
4. Where the Council is part of a public sector consortium contracting with a supplier(s) for the provision of supplies, services or works, where the Council is not the lead authority and the contract has been let in accordance with the Contract Standing Orders of the lead authority.
5. Purchase or sale by auction.
6. Where “spot-purchases” demonstrably provide better value for money than longer term contract arrangements.
7. Where only one supplier is able to carry out the works or services and where no satisfactory alternative is available because of:
 - technical reasons, artistic reasons or because of exclusive rights

Procedure Rule 8 – Contract

- Branded items which are sold at a single fixed price.
8. Orders required as an addition to an existing or previous contract and it is necessary to use the same supplier for the reasons stated in 10.
 9. An extension to an existing contract which is within the terms of the contract provided that the decision is taken at the level (Service Manager/Portfolio Holder/Executive) at which the original decision to award the contracts was required by these CPRs.
 10. An extension for additional work to an existing contract where the goods/services required is outside the scope of the original contract but the circumstances are such that it would be inappropriate to offer the additional work to competition.
 11. An emergency where immediate action is necessary to:
 - prevent significant loss to the Council
 - prevent danger, injury or hardship
 - Comply with public health requirements.

In such circumstances, the best practicable means of obtaining value for money should be used. If the contract exceeds £25,000 in value, the Service Manager should consult the relevant Portfolio Holder and the Chief Finance Officer.
 12. Purchasing services on behalf of the Council from another Local Authority Trading Company.
 13. Any other exemptions specifically authorised by the Executive.

This page is intentionally left blank



Procedure Rule 9 – Officer Employment

9.1 General

9.1.1 Each member of the Management Team is responsible to the Council for the management, training, welfare, health and safety and discipline of the employees under their direction.

9.1.2 He/she shall act in accordance with the Council's HR Policies and Procedures

9.1.3 He/she shall liaise closely with the Head of Service with responsibility for HR over the interpretation and application of these matters.

9.1.4 The Head of Service with responsibility for HR shall be responsible for monitoring that the Council's HR Policies and Procedures are being implemented and Officers are acting within their terms.

9.1.5 The Head of Service with responsibility for HR shall also keep the Council informed of all significant developments in the HR field.

9.1.6 Each member of the Management Team shall ensure that the Head of Service with responsibility for HR is supplied with all the information necessary for corporate monitoring systems on human resource management and payroll.

9.1.7 Terms and conditions of employment are set out in individual contracts of employment and the Council's HR Policies and Procedures.

9.2 Recruitment and appointment

Declarations

9.2.1 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.

9.2.2 No candidate so related to a Councillor or an Officer will be appointed without the authority of the Managing Director or an Officer nominated by him/her.

Seeking support for Appointment

9.2.3 The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council.

9.2.4 The content of Procedure Rule 9.2.3 will be included in any recruitment information

9.2.5 No Councillor will seek support for any person for any appointment with the Council.

9.3 Recruitment of Managing Director (Head of Paid Service) and Statutory Chief Officers

Where the Council proposes to appoint the Managing Director or a Statutory Chief Officer the Council will:

9.3.1 Make arrangements 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

9.3.2 Make arrangements for a copy of the statement of qualifications or duties to be sought in the person to be appointed to be sent to any person on request.

9.4 Appointment of Managing Director (Head of Paid Service), Chief Finance (S151) Officer and Monitoring Officer (Statutory Chief Officer)

9.4.1 The full Council will approve the appointment of the Managing Director, Chief Finance Officer and Monitoring Officer in accordance with Annex 1 to Procedure Rule 9.

9.4.2 The full Council may only make or approve these appointments where no well-founded objection has been made in accordance with Procedure Rule 9.8

9.5 Other appointments

9.5.1 Appointment of Officers other than those listed in Procedure Rule 9.4 (and assistances to political groups) will be undertaken in accordance with Annex 1 to Procedure Rule 9.

9.6 Disciplinary action/dismissal against Statutory Chief Officers

9.6.1 No disciplinary action (except suspension for the purpose of investigating the alleged misconduct occasion the action) may be taken by, or on behalf of, the Council against the Managing Director, Monitoring Officer or Chief Finance Officer other than in accordance with the Local Authorities (Standing Orders) (England) Regulations 2015

9.6.2 Any suspension of Officers for the purpose of investigating an alleged misconduct occasion the action must be on full pay and terminated no later than the expiry of two months beginning on the day on which the suspension takes effect.

9.6.3 In the case of a proposed disciplinary action against a statutory officer the council is required to invite independent persons who have been appointed for the purposes of the members' conduct regime under section 28(7) of the Localism Act 2011 to form an independent panel.

9.6.4 An independent panel will be formed if two or more independent persons accept the invitations, and councils should issue invitations in accordance with the following priority order:

- An independent person who has been appointed by the council and who is a local government elector,
- Any other independent person who has been appointed by the council, and
- An independent person who has been appointed to another council or councils.

9.6.5 Any decision in relation to disciplinary action against a statutory officer will be taken transparently by full council, who must consider any advice, views or recommendations from

the independent panel, the conclusions of any investigation into the proposed dismissal, and any representations from the officer concerned.

9.7 Disciplinary action/dismissal against other Officers

9.7.1 Dismissal or disciplinary action against any Officer other than those listed in Procedure Rule 9.4 (and assistants to political groups) will be undertaken in accordance with Annex 1 to Procedure Rule 9

9.8 Notification of proposed appointment of Managing Director (Head of Paid Service), Chief Finance (S151) Officer and Monitoring Officer (Statutory Chief Officers)

9.8.1 The Proper Officer will notify every Member of the Executive of:

- i. The name of the person concerned;
- ii. Any other particulars relevant to the appointment; and
- iii. The date by which objections must be made.

9.8.2 An Executive Member wishing to make an objection must notify the Leader in sufficient time to enable the Leader to lodge an objection in accordance with Procedure Rule 9.8.3 below.

9.8.3 Objections must be material and well founded and must be made by the Leader on behalf of the Executive to the Proper Officer in writing within 5 working days unless specifically extended.

9.9 Conduct of employees

9.9.1 Employees should adopt high standards of personal conduct at work and should do nothing which would bring the Council into criticism or disrepute

9.9.2 They must follow the Council's codes of conduct and regulations stated in the Constitution and elsewhere

9.9.3 Only the Communications Unit, the Managing Director, and Management Team, in consultation with the Communications Unit, may talk to the press, or otherwise make public statements on behalf of their Services unless otherwise designated under the Council's Emergency Plan.

9.10 Conditions of employment

9.10.1 All employees of the Council must be engaged on Contracts of Employment agreed by the Head of Service with responsibility for HR and in accordance with the Council's approved Terms and Conditions of Employment

9.10.2 The Council will follow Advisory, Conciliation, and Arbitration Service (ACAS) guidance for any changes to terms and conditions of employment.

9.11 HR Plans

9.11.1 The Head of Service considering variations to the approved Human Resource Plans or structure of their operating unit(s) shall, at the earliest opportunity, discuss the proposals with the Head of Service with responsibility for HR, who will advise on the procedure to be followed.

9.11.2 The Head of Service with responsibility for HR shall be notified immediately of all changes to staffing in order that the necessary processes and documentation may be undertaken.

9.12 Training and development

9.12.1 The Head of Service shall be responsible for the training and development of employees under his/her direction in order to meet the needs of the Council and those of the employee, within the resources made available for the purpose. He/she shall liaise closely with HR in the execution of this responsibility.

9.12.2 The Managing Director shall be responsible for monitoring the business benefit provided through the training and learning opportunities afforded for all employees and that employees have the skill necessary to deliver the Council's services.

9.13 Discipline, performance and grievances

9.13.1 Disciplinary action will be taken in line with Annex 1 to Procedure Rule 9

9.13.2 Performance related matters will be dealt with in accordance with HR Policies and Procedures.

9.13.3 Grievance matters will be dealt with in accordance with the Council's grievance and appeal procedures.

9.13.4 The Head of Service with responsibility for HR shall be informed of all grievances formally raised by employees and of all cases where any Officer is planning to take disciplinary or capability action.

9.13.5 The Managing Director, Monitoring Officer and Chief Finance Officer in addition to the Head of Service with responsibility for HR will be informed where disciplinary action is planned in cases of misappropriation by an employee of funds and/or property belonging to the Council or any other form of gross misconduct.

9.14 Health and Safety Policy

9.14.1 All employees are required to follow the principles of Health and Safety as set out in the Council's Policies and Procedures which forms part of the Council's Condition of Employment

9.14.2 Members of the Management Team are responsible for the maintenance of the policy within their service areas and shall liaise closely with the Head of Service with responsibility for Health & Safety.

9.15 Equal opportunities and dignity at work

9.15.1 Reigate and Banstead Borough Council is committed to providing a working environment in which any employee, volunteer or client/customer

- i. Is treated with dignity, respect, courtesy, and fairness and is free from harassment, bullying or victimisation
- ii. Does not experience any form of discrimination on any basis including his or her age, disability, gender reassignment & sexual orientation, marriage & civil partnerships, pregnancy & maternity, race, religion & belief, sex or responsibilities for dependants.

9.15.2 The Council is also committed to ensuring that its services are available to all members of the Community

9.15.3 Members of the Management Team are responsible for ensuring that the policy is implemented and that all employees observe their responsibilities towards each other and service delivery.

ANNEX 1 – OFFICER EMPLOYMENT RULES

RESPONSIBILITY FOR FUNCTIONS

OFFICER	RECRUITMENT	DESIGNATION (where already an employee of the Council)	DISCIPLINARY/DISMISSAL	APPEAL AGAINST DISCIPLINARY/DISMISSAL
Managing Director (Head of Paid Service) Chief Finance Officer Managing Director (if not also Head of Paid Service) Monitoring Officer	Council (on recommendation of Employment Committee)	Council	Council (who must consider any advice, views or recommendations from an independent panel, the conclusions of any investigation and representations from the officer concerned)	Council
Deputy Managing Director	Employment Committee (taking into account the advice of the Managing Director)	N/A	Employment Committee	Council
Direct Reports to the Managing Director	Employment Committee (taking into account the advice of the Managing Director)	N/A	Managing Director or Officer(s) nominated by him/her Employment Committee to be consulted and briefed on the disciplinary/dismissal arrangements (including any	Managing Director or Officer(s) nominated by him/her (must be different to the person undertaking disciplinary/dismissal process)

			compensation agreements)	
Heads of Service	<p>Managing Director or Officer(s) nominated by him/her</p> <p>The lead Member of the Executive to be consulted and briefed in the recruitment of any Head of Service under their Portfolio</p>	N/A	Managing Director or Officer(s) nominated by him/her	Managing Director or Officer(s) nominated by him/her (must be different to the person undertaking disciplinary/dismissal process)
Other Employees	Managing Director or Officer(s) nominated by him/her	N/A	Managing Director or Officer(s) nominated by him/her	Managing Director or Officer(s) nominated by him/her (must be different to the person undertaking disciplinary/dismissal process)

This page is intentionally left blank



Member Code of Conduct

Part 1 – Provisions of the Code

1.1 Interpretation

- 1) This Code applies to you as a member of the authority, when acting in that capacity.
- 2) This Code is based upon seven principles fundamental to public service, which you must have regard to, in order to comply with the Code. The seven principles are:

Selflessness: Members should act solely in terms of the public interest

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

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

Objectivity: Members are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

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

Honesty: Members should be truthful

Leadership: Members should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

- 3) It is your responsibility to comply with the provisions of this Code. If you need guidance on any matter about this Code you should seek it from the Monitoring Officer, or your own legal advisor.

- 4) It is a criminal offence to fail to notify the Monitoring Officer of a disclosable pecuniary interest, to take part in discussions or votes at meetings, or to take a decision where you have a disclosable pecuniary interest, without reasonable excuse. It is also an offence to knowingly or recklessly provide false or misleading information to the Monitoring Officer.
- 5) Any written allegation received by the authority that you have failed to comply with this Code will be dealt with by the authority under the arrangements which it has adopted for such purposes. If it is found that you have failed to comply with the Code, the authority has the right to have regard to this failure in deciding –
 - a) whether to take action in relation to you, and
 - b) what action to take
- 6) Members must comply with any reasonable request by the Monitoring Officer regarding the provision of information in relation to a complaint that alleged a breach of the Code of Conduct, and must comply with any formal standards investigation.
- 7) Members must not misuse this Code by, for example, making trivial or malicious allegations against another Member.

1.2 Scope

- 1) You must comply with this Code whenever you:
 - a) conduct the business of the authority, which 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
- 2) 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.

1.3 Obligations

- 1) You must not:**
 - a) conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute
 - b) do anything which may cause your authority to breach any of its equality duties (in particular set out in the Equality Act 2010)
 - c) demonstrate objectively unacceptable behaviour, including, but not limited to:

- i) bullying or harassment, including, without limitation: spreading malicious rumours, or insulting someone by word or behaviour, being offensive, intimidating, or misusing power to undermine, humiliate, denigrate or injure the recipient
- ii) copying written material, including emails, that are personally critical about someone, or continuing an email chain designed to seek to criticise someone
- iii) ridiculing or demeaning someone - picking on them or setting them up to fail, such as testing someone's knowledge, or 'putting them on the spot' in order to prove that they are inexperienced or incompetent
- iv) exclusion or victimisation, including excluding someone from a meeting that they would otherwise be entitled to attend, or ostracising someone for having not agreed with you
- v) unfair treatment, or treatment that could be perceived to be unfair
- vi) overbearing supervision or other misuse of power or position, such as not respecting the delineation of roles and responsibilities as set out in the Member / Officer protocol, for example repeat emails to a junior officer requesting updates
- vii) making threats or comments about job security, such as asking someone when they were considering retirement
- viii) deliberately undermining a competent employee by overloading or constant criticism, either in meetings or in written format, or indirectly in the media, or with residents
- ix) preventing individuals progressing by intentionally blocking promotion or training opportunities, as a consequence of your perception of something that they had done
- x) invading someone's personal space, by standing or sitting too close to them
- xi) speaking, or writing to someone in an overbearing manner, seeking to highlight or correct minor inconsequential matters
- xii) using aggressive body language, such as pointing, or preventing access to a room or preventing access to documentation
- xiii) undermining or belittling someone, by seeking an alternative view from someone at another authority or elsewhere for the specific purpose of undermining someone at the Council
- xiv) unwelcome advances - touching, standing too close, asking for favours, making a decision on the basis of advances being accepted or rejected
- xv) making abusive, derogatory, patronising, suggestive or sexualised comments or sounds, particularly in meetings which are webcast, or on voicemails
- xvi) making jokes or insulting gestures or facial expressions, what you may identify as a joke may not be perceived as a joke by others
- xvii) ridicule, for example mocking the way something has been written or said and repeatedly mentioning it thereafter
- xviii) offensive e-mails, tweets or comments on social networking sites, where you are acting in your role as a Member
- xix) trolling via social networking sites, where you are acting in your role as a Member

- xx) threats of aggression or intimidation, such as seeking to persuade someone to change their opinion or, in the case of a Member, the way they were considering voting
 - xxi) making false and malicious assertions, such as commenting on perceived pecuniary interests of Members, or emphasising some information that you do not know to be true
 - xxii) intrusive questioning about private matters, such as someone's relationship status, pastimes or private interests
 - xxiii) display of offensive material, or material that may be perceived as offensive by a designated group of people, such as the wearing of offensive badges, ties or clothing, or by the posting of written material on social media or in hard copy format
 - xxiv) comments on dress or appearance, even when you think that would be complementary
 - xxv) any of the behaviours listed above, occurring separately or cumulatively.
- d) Intimidate or improperly influence or attempt to intimidate or improperly influence 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 the Code; or
- e) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the authority
- f) use your position as a Member improperly to confer on or secure for yourself or any other person an advantage or disadvantage
- g) prevent another person from gaining access to information to which that person is entitled by law
- h) 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 the 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
 - a) reasonable and in the public interest; and
 - b) made in good faith and in compliance with the reasonable requirements of the authority

2) You must

- a) treat others with respect, and robustly challenge poor behaviour of other Members, including, but not limited to the behaviours set out at 1) 3) c), above.

- b) when using or authorising the use by others of the resources of the authority
 - i) act in accordance with the authority’s reasonable requirements
 - ii) act in compliance with the requirements of the Bribery Act 2010
 - iii) ensure that such resources are not used improperly for political purposes; and
 - iv) have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986
- c) when reaching decisions on any matter, have regard to any advice provided to you by
 - i) the Chief Finance Officer
 - ii) the Monitoring Officer

where that officer is acting pursuant to their statutory duties
- d) give reasons for all decisions in accordance with statutory requirements and any reasonable additional requirements required by the authority.

Part 2 – Interests

2.1 Personal Interests

- 1) The interests described in paragraphs 3 and 4 are your **personal interests**, and the interests described in paragraph 5 are your **pecuniary interests** which are **disclosable pecuniary interests** as defined by section 30 of the Localism Act 2011.
- 2) If you fail to observe Parts 2 and 3 of the Code in relation to your interests –
 - a) The authority may deal with the matter in accordance with paragraph 1, 5) of this Code
 - b) If the failure relates to a disclosable pecuniary interest, you may also become subject to criminal proceedings as described in paragraph 1, 4)
- 3) You have a personal interest in any business of your authority where either –
 - a) It relates to or is likely to affect –
 - i. 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 your authority
 - ii. any body –
 - a) exercising functions of a public nature
 - b) directed to charitable purposes; or
 - c) 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 are in a position of general control or management
 - iii. the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25; or

- b) a decision in relation to that business might reasonably be regarded as affecting your wellbeing or financial position or the wellbeing or financial position of a **relevant person** to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the Ward, affected by the decision

4) A **relevant person** is –

- a) a member of your family or a close associate; or
- b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- d) any body of a type described in paragraph 3 a i) or ii)

Disclosable pecuniary interests

- 5) You have a **disclosable pecuniary interest** as defined by section 30 of the Localism Act 2011 in any business of your authority where i) you or ii) your partner (which means your spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) has an interest as described below:

Interest	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses, incurred by a Member in carrying out duties as a Member, or toward the election expenses of a Member. This includes and payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority a) under which goods or services are to be provided or works are to be executive; and b) which has not been fully discharged.
Land	Any beneficial interest in land which is with the area of the relevant authority.
Licenses	Any license (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy, where to the Member's knowledge a) the landlord is the relevant authority; and b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body or place where a) that body, to the Member's knowledge) has a place of business or land in the area of the relevant authority; and b) either i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issues share capital of that body; or ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds exceeds one hundredth of the total issued share capital of that class.

- 6) In paragraph 5, any interest which your partner may have is only treated as your interest if you are aware that your partner has the interest.

Gifts and Hospitality

- 7) A Member must, within 28 days of receiving any gift, benefit, or hospitality over the value of £25, provide written notification to the authority's Monitoring Officer of the existence and nature of that gift or hospitality.

2.2 Disclosure of Personal Interests

- 1) Subject to paragraphs 2-5 below, where you have a personal interest in any business of your authority and you attend a meeting of your authority at which any matter relating to the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent. This applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- 3) Where you have a personal interest but, by virtue of paragraph 3.2, sensitive information relating to it is not registered in your authority's register of Members' interests, you must indicate to the meeting that you have a personal interest and, if so applicable, that it is a disclosable pecuniary interest, but need not disclose the sensitive information to the meeting.
- 4) Subject to paragraph (5 (1) b) , where you have a personal interest in any business of your authority and you have made an executive decision (in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000) on any matter in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

3. Prejudicial Interest

- 1) Subject to paragraph 2, where you have a personal interest in any business of your authority, you also have a prejudicial interest in that business where either:
 - a) the interest is a disclosable pecuniary interest as described at 5 above; or
 - b) the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgment of the public interest.
- 2) For the purposes of paragraph (3(1)) above, you do not have a prejudicial interest in any business of the authority where that business:
 - a) does not affect your financial position or the financial position of a person or body described in paragraph (2.1(5));
 - b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph (2.1(5)); or
 - c) relates to the functions of your authority in respect of:
 - i) housing, where you are a tenant of your authority provided that those functions

- ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
- iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay;
- iv) an allowance, payment or indemnity given to Members;
- v) any ceremonial honour given to Members; and
- vi) setting Council Tax or a precept under the Local Government Finance Act 1992

4. Interests arising in relation to the Overview and Scrutiny function

You also have a personal interest in any business before an overview and scrutiny committee of your authority (or a sub-committee) where

- a) that business relates to a decision made (whether implemented or not) or action taken by the Executive, or another committee of the authority; and
- b) at the time the decision was made or action was taken, you were a Member of the Executive, or committee, and you were present when that decision was made or action was taken.

5. Effect of Prejudicial Interests on Participation

- 1) Subject to paragraphs 2 and 3 below, where you have a prejudicial interest in any matter in relation to the business of the authority
 - a) you must not participate, or participate further, in any discussion of the matter at any meeting, or participate in any vote, taken on the matter at the meeting and must withdraw from the room or chamber where the meeting considering the matter is being held
 - i) in a case where paragraph 2 below applies, immediately after making representations, answering questions or giving evidence;
 - ii) in any other case, whenever it becomes apparent that the matter is being considered at that meeting;

unless you have obtained a written dispensation from the Monitoring Officer or Standards Committee

 - b) you must not exercise Executive functions in relation to that matter; and
 - c) you must not seek improperly to influence a decision about that matter.
- 2) Where you have a prejudicial interest in any business of your authority which is not a disclosable pecuniary interest as described in paragraph (2.1(5)), you may attend a meeting (including a meeting of the Overview and Scrutiny committee) but only for the purposes of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

- 3) Where you can have a prejudicial interest which is not a disclosable pecuniary interest as described in paragraph (2.1(5)), arising solely from membership of any body described in (2.1 (3)(a)(i)) or (2.1(3)(a)(ii)(a)) then you do not have to withdraw from the room or chamber and may make representations to the committee but may not participate in the vote.

Part 3 - Registration of Interests

3.1 Registration of Members' Interests

- 1) Subject to section 2 below, you must, within 28 days of
 - a) this Code being adopted by the authority; or
 - b) your election or appointment to office (where that is later), register in the register of Members' interests details of –
 - i) your personal interests where they fall within a category mentioned in paragraph (2.1)(3)(a) and
 - ii) your personal interests which are also disclosable pecuniary interests where they fall within a category mentioned in paragraph (2.1)(5)

by providing written notification to the Monitoring Officer

- 2) You must, subject to section 2 below, within 28 days of becoming aware of any new personal interest falling within paragraph (3.1(1)(b)(i)) or (3.1(1)(b)(ii)) or any change to a personal interest registered under paragraph (3.1(1)(b)(i)) or (3.1(1)(b)(ii)), register details of that new personal interest or change by providing written notification to the Monitoring Officer.

3.2 Sensitive Information

- 1) Where you consider that the information relating to any of your personal interests is sensitive information, and the Monitoring Officer agrees, the Monitoring Officer shall not include the details of the interest on any copies of the register of Members' interests which are made available for inspection or any published version of the register, but may include a statement that you have an interest, the details of which are withheld under this paragraph.
- 2) You must, within 28 days of becoming aware of any change of circumstances which means that information.
- 3) In this Code, 'sensitive information' means information, the details of which, if disclosed, could lead to you or a person connected with you being subject to violence or intimidation.

Part 4 – Dispensations

- 1) The Standards Committee, or the Monitoring Officer may, on written request made to the Monitoring Officer by a Member, grant a dispensation relieving the Member from either, or both, of the restrictions in paragraph (5 (1)(a)) (restrictions on participating in discussions and in voting), in cases described in the dispensation.

Part 5 – Codes and Protocols – Member Code of Conduct

- 2) A dispensation may be granted only if, after having had regard to all relevant circumstances, the Standards Committee or the Monitoring Officer
 - a) considers that without the dispensation, the number of persons prohibited by paragraph 12 from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;
 - b) considers that without the dispensation, the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;
 - c) considers that granting the dispensation is in the interests of persons living in the area of the authority
 - d) considers that without the dispensation each Member of the Executive (where the matter is an Executive function) would be prohibited by part 2 (3) from participating in any particular business to be transacted by the Executive; or
 - e) considers that it is otherwise appropriate to grant a dispensation.
- 3) A dispensation must specify the period for which it has effect, and the period specified may not exceed 4 years.
- 4) Part 2 (3) does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this paragraph.

Part 5 – Council Tax Arrears

- 1) Section 106 of the Local Government Finance Act 1992 restricts the rights of Members who are two months or more in arrears with their Council Tax payments. Any such Member must disclose the fact and must not vote at any meeting on decisions being taken which might affect the level of Council Tax or the arrangements for administering it. Failure to comply is a criminal offence.

Annex to this code – definitions

‘Authority’ means Reigate and Banstead Borough Council

‘Code’ means this Code of Conduct

‘Committee’ includes any sub-committee, or other body, howsoever named, discharging the function of a Committee for the timebeing

‘co-opted member’ means a person who is not a member of the authority but who:

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

and who is entitled to vote on any question that falls to be decided at any meetings of that Committee

‘meeting’ means any meeting of

- a) the authority;
- b) the executive of the authority;
- c) any meeting of the authority’s or its executive’s committees, sub-committees, joint committees, joint-sub committees, or area committees

‘Member’ includes a co-opted Member

‘register of Members’ interests’ means the authority’s register of Members’ pecuniary and other interests established and maintained by the Monitoring Officer under section 29 of the Localism Act 2011.

This page is intentionally left blank

Protocol 1 - Member/Officer Relations

1.1 Introduction

- 1.1.1 This Protocol is intended to supplement the Members' Code of Conduct, the Council's Constitution and all other statutory requirements, and applies to all Members, including co-opted and independent Members, and Officers.
- 1.1.2 The effective implementation of the Protocol by Members will be supervised and monitored by the Standards Committee (and where appropriate by the Monitoring Officer on its behalf)
- 1.1.3 This Protocol has been adopted by the Council and will be the subject of review, from time to time, by the Standards Committee. The Protocol forms part of the Council's Constitution.
- 1.1.4 Guidance and training will be given to Members and Officers on the scope of, and compliance with, this Protocol.

1.2 General Guidance

- 1.2.1 This part of the Protocol aims to provide guidance on the relations between Members and Officers to ensure the smooth running of the Council.
- 1.2.2 The Council's expectation is that Members, and the Management Team will lead by example and that they and also staff at all levels will comply with the Council's Constitution, Codes, Protocols, Policies, Procedure Rules and Departmental Procedures.
- 1.2.3 Mutual respect, trust and honesty between Members and Officers is essential to good local government and, although intrinsically linked to one another, the responsibilities of Members and Officers are distinct.
- 1.2.4 Members are responsible to the electorate as a whole and to their Ward.
- 1.2.5 Officers are responsible to the Council under contracts of employment. Their job is to advise Members and the Council as a whole and to carry out the Council's work under the direction and control of the Council, its Executive, Committees and Sub-Committees.

1.3 General Responsibilities

All Members

- 1.3.1 The responsibilities of Members are set out in the Council's Constitution and the Members Code of Conduct. More specific responsibilities are set out in other codes and protocols for the timebeing, including but not limited to:
 - planning protocol
 - social media protocol
 - IT protocol
 - Code of practice on Local Authority publicity

- 1.3.2 Members have the same rights and obligations in their relationship with Officers and should be treated equally. This principle is particularly important in the context of scrutiny. However, where a political group forms an administration, either alone or in partnership with another group or groups, it is recognised that the relationship between Officers, particularly those at a senior level in the organisation, and the administration will differ (because of the frequency and nature of contact) from those with other groups of members. These specific issues are addressed below.

Members with Special Responsibilities

- 1.3.3 Some Members have special responsibilities, for example the Mayor, Leader of the Council, Executive Members and Committee Chairs. Such Members are likely to receive particular support, and have greater access to Officers but they should not seek to use their office to by-pass recognised systems of working.
- 1.3.4 Members must respect the impartiality of Officers, must not ask them to undertake work of a party political nature, or to do anything which would put them in difficulty in the event of a change in the political composition of the Authority.
- 1.3.5 Similarly, Council Officers should not use their working relationships with Members to their own personal advantage.

Political guidance and Officer recommendations

- 1.3.6 The Management Team, and Heads of Service, are likely to develop a close working relationship with their relevant Portfolio Holder and Chair. They will need to meet regularly to discuss current issues, policy and budget matters, service delivery and reports to be prepared. Officers will also often require political guidance in framing proposals. However, when Officers write reports for Member decision they have a duty to give advice on the basis of their professional and management expertise.
- 1.3.7 The integrity and political neutrality of Officers must be respected and Members should not seek to influence or require Officers to present reports in a biased way, withhold information or make recommendations that they cannot support.

General principles

- 1.3.8 Officers are specifically employed by the Council to:
- i) Deliver services to the community according to the policies, service standards and values set by the Council
 - ii) Develop and implement policy proposals which accord with the overall framework set by the Council
 - iii) Give professional and managerial advice to the Council, the Executive, Committees and Members and advise on process and procedure.
 - iv) Manage the organisation and ensure it acts in a lawful way.

- 1.3.9 Officers' contracts of employment set out requirements on conduct, compliance with Council procedures, policies, codes, and disciplinary procedures. These arrangements form part of the Council's ethical framework.
- 1.3.10 Members are responsible for the Council's strategic direction, determination of policy and budget setting; officers are responsible and accountable for implementing policy and delivering services.
- 1.3.11 Given these roles, officers are employed to work within and pursue Council policies and priorities unaffected by personal inclinations.
- 1.3.12 Officers are accountable to their Managers and ultimately the Managing Director. They work to the instructions of their Manager, and not to individual Members of the Council – whatever office a Member might hold. Members should not interfere with matters that are properly the responsibility of officers and individual managers.
- 1.3.13 All Officers are required to observe political neutrality in carrying out their duties.

1.4 What Members and Officers can expect from each other

For Members and Officers to:

- 1.4.1 Behave in a manner which accords with the standards set by the Council
- 1.4.2 Be helpful, respectful and courteous, and respond in a timely manner.
- 1.4.3 Be open and honest with each other. To tell the whole story, giving any bad news as well as the good.
- 1.4.4 Act lawfully.
- 1.4.5 Maintain confidentiality where it is proper for them to do so.
- 1.4.6 Refrain from canvassing or otherwise seeking to gain favour from each other for personal or career advantage.
- 1.4.7 Have regard to social hours and generally to be sensible about contact at potentially inconvenient times, unless in an emergency or otherwise agreed.

1.5 What Members can expect in addition from Officers

For Officers to:

- 1.5.1 Do their job effectively, efficiently and fairly.
- 1.5.2 Assist Members in carrying out their role as Members of the Council in connection with Council business (they cannot, however, assist with party political or campaigning activity, or with private business).

- 1.5.3 Work with all Members equally and fairly.
- 1.5.4 Give advice or recommendations based on reasoned options.
- 1.5.5 Provide Members with the information necessary to make informed judgments.
- 1.5.6 To be informed as soon as possible about matters affecting their Ward.

1.6 What Officers can expect in addition from Members

For Members to:

- 1.6.1 Accept that Officers are accountable to their Manager.
- 1.6.2 Not become involved in the day to day management of individual services or projects, whilst acknowledging that Members will provide policy guidance and direction.
- 1.6.3 Accept that officers act independently of political bias.
- 1.6.4 Fully consider advice and recommendations for the purpose of making informed judgements.
- 1.6.5 Not coerce officers into breaching Council policy or procedures, or to act unlawfully, or outside the terms of their job.
- 1.6.6 Not exert influence or pressure, nor request unauthorised access to resources or information held by the Council.
- 1.6.7 Not to single out individual Officers for blame or criticism, in a way that would amount to a personal attack, particularly in publications, press statements or meetings open to the public.

1.7 Limitations on Behaviour

- 1.7.1 Members must have regard to any advice, guidance and training on their roles and responsibilities from the Standards Committee and the Monitoring Officer.

Conduct

- 1.7.2 Members must at all times comply with the Code of Conduct, the Constitution and its supporting Codes of conduct and protocols.

Officer appointments and performance

Concerning involvement in the appointment and employment of Officers (where such involvement is permitted under the Constitution)

Members should not:

- 1.7.3 Let their political or personal preferences influence their judgement and or participate where they may have a personal interest.
- 1.7.4 Canvass the support of colleagues for any candidate and should resist any attempt by others to canvass theirs.
- 1.7.5 Provide references in support of applications for employment by the Council.
- 1.7.6 Make any vexatious or malicious complaints against Officers.
- 1.7.7 Raise any comments on an Officer's performance except with the relevant Head of Service or Managing Director.

Access to information

With regard to access to and use of information

Members should:

- 1.7.8 Only seek information from Officers that relates to the business of the Council and enables Members to properly perform their functions as Members. Requests for such information will be made at Head of Service level, except in the case of routine information.
- 1.7.9 Establish in writing a proper and specific reason for requesting to inspect confidential information and in the case of uncertainty refer the issue to the Managing Director.
- 1.7.10 Only use the information for the purpose it was provided.
- 1.7.11 Have regard to the applicable recommended code of practice for local authority publicity in making any decision on publicity (especially in the period between the issue of a Notice of Election and the holding of an election).

1.8 Personal and social friendships and relationships

- 1.8.1 It is important that Member and officer relationships are correct and business-like. It is, however, accepted that constructive working relations, on occasions, require some informality. It is equally recognised that excessive personal familiarity, in the office or at meetings, between individual Members and officers can damage working relationships and prove embarrassing to colleagues on both sides. In particular, it could bring into question an officer's ability to deal impartially with other Members, and vice-versa.

- 1.8.2 There may be occasions when Members and Officers come into contact outside of Council business and, in such circumstances, professional and personal matters must be kept separate.
- 1.8.3 Under the Code of Conduct, Members are required to declare, when relevant in considering business at meetings, any private relationship with an Officer that might be regarded as influencing their actions.
- 1.8.4 Officers similarly should inform their manager of such relationships with a Member.
- 1.8.5 Where Members and Officers are friends or have a relationship, they should take special care not to seek, or be seen, to influence their positions through their friend or partner.

1.9 Conduct at meetings and events

- 1.9.1 Members and Officers should observe the degree of formality in behaviour that is appropriate to the event. At all times respect to one another should be shown.
- 1.9.2 Although Members are entitled to question Officers at meetings and require them to justify their actions, any challenge should be impartial, constructive and well founded and delivered in appropriate and reasoned words, language and tone. Whilst robust questioning is permissible, personal attacks are unacceptable.
- 1.9.3 Officers should have the opportunity to reply and explain in an impartial constructive manner.
- 1.9.4 A formal approach should generally be applied in open meetings and the use of first name terms should be avoided. The important issue is that the audience should be able to identify who is speaking or being addressed.
- 1.9.5 Such formality between Members and Officers is not usually necessary at social events. However, any event attended as a result of the Member or Officer's role with the Council should have regard to the fact that close personal familiarity might embarrass others or damage external relationships, and therefore should be avoided. Where there is doubt, a more formal approach is potentially less damaging than a casual one.

1.10 Correspondence

- 1.10.1 Correspondence between a Member, or group of Members, and Officers (and vice-versa) will clearly indicate the names of any others who have been sent the same correspondence, including those copied in for their information. This is in the spirit of openness and to avoid any surprises or later allegations around "blind copies".

1.11 When Things go wrong

Procedure for Officers

1.11.1 From time to time the relationship between Members and Officers may break down or become strained. Whilst it will always be preferable to resolve matters informally, through dialogue between the parties involved or conciliation by an appropriate Head of Service, Member or Group Leader, Officers may refer the matter to the Monitoring Officer.

Procedure for Members

1.11.2 In the event that a Member is dissatisfied with the conduct, behaviour or performance of an Officer, the matter should be raised with the appropriate Head of Service.

1.11.3 Where the Officer concerned is a Chief Officer or member of the Management Team, the matter should be raised with the Managing Director.

1.11.4 Where the officer concerned is the Managing Director, the matter should be raised with the Monitoring Officer.

1.11.5 If the matter cannot be resolved informally, it may be necessary to invoke the Council's Disciplinary Procedure.

This page is intentionally left blank

Protocol 2 – Working Groups and Task Groups

1.1 Definition

- 1.1.1 A Working Group is an informal meeting of Members authorised by a Committee or Sub-Committee to which the political balance requirements do not apply and to which no authority is delegated.
- 1.1.2 A Task Group is a Working Group of limited duration.
- 1.1.3 Panels may be either Working or Task Groups.

1.2 Appointment

- 1.2.1 A Committee or Sub-Committee may appoint Working Groups or Task Groups to consider and make recommendations on areas of its work.

1.3 Terms of Reference

- 1.3.1 The Terms of Reference shall be determined by the appointing Committee or Sub-Committee.

1.4 Membership

- 1.4.1 There is no requirement to meet the statutory requirements for political balance but membership should generally reflect the membership of the Council and may include co-opted non-members of the Council to attend some or all of its meetings.

1.5 Conduct of meetings

- 1.5.1 The conduct of Working Group meetings shall be a matter for the Chairman.

1.6 Meetings

Dates

- 1.6.1 Meetings will be held on dates and at times agreed by the Chairman. The first meeting in the Municipal Year will be held on a date agreed with the Chairman of the appointing Committee or Sub-Committee.

Change of Date or Time of Meetings

- 1.6.2 The Chairman may change the date and/or time or cancel a meeting of a Working Group.

1.7 Quorum

- 1.7.1 The quorum of a Working Group meeting shall be not less than three Members.

1.8 Chairman

1.8.1 A Chairman shall be elected at the first meeting of each Working Group in the Municipal Year.

1.9 Absence of chairman and vice-chairman

1.9.1 In the absence of the Chairman a Chairman for the meeting shall be elected.

1.10 Voting

1.10.1 Voting at a Working Group shall be by show of hands.

1.10.2 In the case of an equality of votes the Chairman shall have a second or casting vote. The casting vote may be used whether or not the Chairman has already voted.

1.11 Decisions

1.11.1 All decisions shall be by way of recommendation to the appointing Committee or Sub-Committee.

1.12 Minutes

1.12.1 Minutes shall be in a form sufficient to identify decisions and actions required. These may be submitted to the appointing Committee or Sub-Committee or form the basis of an Officer report.

1.13 Attendance by non-Members

1.13.1 All Members have the right to attend but may only speak with the agreement of the Chairman.

1.14 Notice and Agenda of meetings

1.14.1 All Members will be given Notice of Meetings and have access to Agenda.

1.15 Exclusion of press and public

1.15.1 Meetings will generally be held in private but the Group may allow the press and public to attend.

(NOTE: These protocols do not apply to consultation meetings convened by an Executive Member but will form the basis of guidance for the conduct of such meetings)

MEMBERS' ALLOWANCES SCHEME

MEMBERS' ALLOWANCES SCHEME – 2024/25

The Members' Allowances Scheme operating from 1st April 2024 provides for the following:

1. Payment of a **Basic Allowance** of £6,135 to every Councillor for the year.

The Basic Allowance is provided to recognise and compensate the time commitment of Councillors including such inevitable calls on their time as attending Council and other formal meetings, training/briefings, civic events, undertaking general constituency work and to cover incidental costs such as the use of their homes, stationery, telephone usage, purchase of I.T. equipment, room/hall rental for community meetings, travel within their ward and the provision of general consumables.

2. Payment of **Special Responsibility Allowances** to: -

Leaders of Minority Political Groups

Largest Opposition Party	£3,800
All other Minority Parties	£147 basic allowance, plus £58 for each Member of the Group

Executive Members

Leader of the Council	£ £19000
Deputy Leader of the Council	£ 11557
Other Portfolio Holders	£ 9434

Chairmen of Committees/Panels

Planning	£ 5442
Overview & Scrutiny	£ £3,603
Vice-Chair of Overview & Scrutiny	£ 957
Audit	£ 3162
Licensing and Regulatory	£ £1,500
Licensing and Regulatory Sub	£ 308 per Chairman

Planning Committee Members £ 804

Mayoral Allowance	£ 5700 (to be paid on a Municipal Year basis)
-------------------	---

Payment will be made in monthly instalments and apportioned during the year, where appropriate. Members wishing to elect not to receive any Special Responsibility and/or Basic Allowance to which they are entitled, should write to the payroll officer in the Human Resources team as soon as possible.

3. **Travelling expenses** will be paid for attendance at approved meetings.

The list of approved duties is set out in Schedule 1 of the scheme.

Members claiming travelling expenses are expected to utilise the most cost effective solution, with allowance for practicality and personal circumstances. This may take the form of a personal vehicle, public transport, or a taxi or similar service where most appropriate. When traveling by train there can be flexibility on train ticket options. Although standard fare is the normal ticket to be reimbursed, a first class fare may also be reimbursed where it is shown to be the cheapest ticket available. Wherever applicable

MEMBERS' ALLOWANCES SCHEME

and practical, receipts for the method of travel used should be retained and submitted with the claim for expenses.

4. Where the requirements of paragraph 3 are met a travelling allowance for use of a private car will be paid at the following rates:

Car	-	45 pence per mile
Motorcycle	-	24 pence per mile

The above rates are subject to the equivalent standard rail fare for the journey being payable where this is lower. An enhanced travel allowance for shared vehicle use of 10 pence per mile for the first passenger and 6 pence per mile for the second and subsequent passengers is also payable.

In relation to travel between a Member's home and the Town Hall, Reigate or other place for approved duties within the Borough, the travel allowance can only be claimed and paid for mileage from and to the Borough boundary. This restriction should not apply to travel on official duties outside of the Borough.

The current bicycle allowance is 20p per mile.

5. **Subsistence** is generally only payable when a Member is not able to take a meal at his/her usual place of residence and has not been provided with refreshments at the Council's expense. Prior approval by the Managing Director is required. The rates of Subsistence Allowance are currently as follows:

- (i) in the case of an absence, not involving an absence overnight from the usual place of residence: -

(a)	Breakfast	-	up to £6.36
(b)	Lunch	-	up to £8.78
(c)	Tea	-	up to £3.47
(d)	Evening Meal	-	up to £10.87

- (ii) in the case of an absence overnight from the usual place of residence: -

Standard Rate	-	up to £93.43
Absence in London or at an approved Conference	-	up to £106.61

The rate specified in (ii) above is deemed to cover a continuous period of absence of 24 hours. It should be reduced by an appropriate amount in respect of any meal provided free of charge by an Authority or Body during the period to which the allowance relates.

Subsistence cannot be claimed where expenses are already paid, for example as part of a course/conference fee. Prior approval to claim should be sought from the Managing Director.

6. **Dependants' Carers' Allowance**

An allowance can be claimed to reimburse childcare/dependant carers' expenses in respect of the approved duties set out in schedule 1 to this scheme.

The carer must be over 18 years of age.

MEMBERS' ALLOWANCES SCHEME

A maximum of £3,000 can be paid to an individual Member in any one Municipal Year.

The scheme covers Members with responsibility for:

- (i) one or more children under 16 years of age; and
- (ii) a relative or household member who, by virtue of physical / mental incapacity, requires constant care and attendance.

Provided that they normally reside with the claimant and the paid carer is not a member of the claimant's immediate family or household.

The allowance payable under (i) above shall be up to £15 per hour, with no figure for the number of hours, subject to the general reasonableness of the claim.

The allowance payable under (ii) above shall be the prevailing Surrey County Council Adult Domiciliary Care Rate and Higher Needs at an hourly rate agreed by the Managing Director.

As a guide for reasonableness, this allowance may be claimed for the duration of the meeting, together with up to one hour travelling time to and from the meeting, plus a short period for instruction/hand over with the carer. Claims for more than six hours for any meeting will need to be supported by suitable receipts.

7. **Leave for Maternity, Paternity and Adoption**

During leave for Maternity, Paternity and Adoption reasons, all allowances in payment at the time should (will) continue to be paid during the statutory period of leave or until the claimant ceases to in the role that carries the allowance.

8. **Incidental expenses**

Incidental validated expenses such as reimbursement for postage due on incoming post (due to underpayment by sender), letters or similar eligible payments, be reclaimable through the Members Allowances Scheme to ease the administration of the process.

ADMINISTRATION

All payments will be made on a monthly basis through the payroll by direct transfer to your bank account. Basic and Special Responsibility Allowances will attract income tax and National Insurance deductions where appropriate. Travelling Allowances being reimbursements are not subject to National Insurance deductions. Any mileage expenses, above the HMRC's Approved Mileage Allowance Payments (AMAP) are taxable. The AMAP for a car is 45p and 24p for a motorcycle. Payments above £702 a month will be subject to National Insurance contributions. You do not pay National Insurance after you reach State Pension Age. The Council, as employing authority, will still be subject to the Employer's contribution of National Insurance. The payroll officer of the Human Resources team will need to have sight of either a passport or birth certificate in order to update the National Insurance category.

MEMBERS' ALLOWANCES SCHEME

Where a Member is currently paying the maximum National Insurance contribution relating to their normal employment, they are advised to apply for deferment from the local Department for Work and Pensions. In these circumstances, the Department will almost certainly advise the Council not to deduct National Insurance contributions from that Member's gross pay.

Members' claims for travel and subsistence where payable should be sent to Democratic Services, by the 6th of each month and within 30 days of the expense being incurred.

Details of payments made by bank transfer will be despatched to Members on the 21st of each month. Blank forms relating to Travelling and Subsistence Allowance claims are available from the [web library](#), or from the Democratic Services team democratic@reigate-banstead.gov.uk

Queries as to whether an allowance is payable should be directed to Democratic Services. Queries relating to payments received should be directed to the payroll officer in the Human Resources team.

MEMBERS' ALLOWANCES SCHEME

SCHEDULE 1

APPROVED DUTIES

The following meetings are specified as an approved duty for the purpose of determining eligibility for travel and subsistence allowances:

- (a) Council, Executive and Council Committees, Sub-Committees, Task Groups, Policy Development Groups, Overview and Scrutiny Panels, Informal Local Committee meetings, Meetings attended in the Assistant Portfolio Holder role; Working Groups, Area Planning Panels, Local Joint Forum, Chairman's Previews, Agenda Planning Meetings, Portfolio Panels/Committees and Housing Appeals Panel which Members attend;
- (b) Local Authority Associations of which the Council is a Member;
- (c) Formal Site Visits and other meetings authorised in advance by a Committee or Sub-Committee;
- (d) Seminars, Away Days or similarly labelled events held by the Council for Members;
- (e) Outside organisations (including associated attendances) to which the Member has been appointed by the Executive or a Committee or Sub-Committee of the Council.
- (f) The opening of tenders in accordance with the Council's Contract Procedure Rules.
- (g) Meetings in relation to the discharge of Executive functions by Executive Members, including:
 - the Executive;
 - Leader's meetings;
 - meetings with the Managing Director or Heads of Service; and
 - meetings with other local authorities, outside organisations and individuals.
- (h) Meetings with Portfolio Holders/Officers;
- (i) Portfolio Briefings;
- (j) Member champion activities (including meetings attended on behalf of the Council (excluding those attended for personal interest));
- (k) Mayoral and Deputy Mayoral engagements;
- (l) Ad hoc attendances approved by the Managing Director.

For the purposes of the Dependants' Carer's Allowance only,

- (m) Ward work – i.e. meeting with residents and other work in the community which precludes the practical provision of care to those persons identified under the Dependants' Carer's Allowance.

This page is intentionally left blank