

# Public Document Pack

## HALTON BOROUGH COUNCIL



*Municipal Building,  
Kingsway,  
Widnes.  
WA8 7QF*

*10<sup>th</sup> May 2007*

**TO: MEMBERS OF THE HALTON  
BOROUGH COUNCIL**

*You are hereby summoned to attend the Annual Meeting of the Halton Borough Council to be held in the Council Chamber, Runcorn Town Hall on Friday, 18 May 2007 commencing at 6.30 p.m.. for the purpose of considering and passing such resolution(s) as may be deemed necessary or desirable in respect of the matters mentioned in the Agenda.*

A handwritten signature in black ink, appearing to read 'David W R'.

*Chief Executive*

**-AGENDA-**

6. c) Annual Review of Constitution  
(Annotated Constitution circulated in disc format.)

## Chapter 1

### **The Council's Constitution – Summary and Explanation**

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

The Constitution is divided into 17 articles which set out the basic rules governing the Council's business.

More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

### **Aims and objectives of the Council**

The Council is committed to providing services to the Halton community, which are of a high quality in the most efficient and cost-effective way. This commitment is reflected in the duty to provide 'best value'. The Council has adopted a Vision which sets out the Council's aims and objectives for Halton.

### **Our Vision for Halton Borough Council**

Halton will be a thriving and vibrant Borough where people can learn and develop their skills; enjoy a good quality of life with good health; a high quality, modern urban environment; the opportunity for all to fulfil their potential; greater wealth and equality; sustained by a thriving business community; and a safer, stronger and more attractive neighbourhood.

Therefore, the Council will work vigorously to see this vision realised and will make sure that:

- the community is offered leadership which maintains open and democratic processes that encourage local people to become involved in decisions that directly affect them and future generations;
- the community receives value for money services of the highest quality that are accessible, affordable and focused on local needs; and that
- the Council is a first class employer that engages a well-trained, motivated and committed workforce in a working environment of trust, co-operation and respect.

### **How the Council operates**

The Council is composed of 56 councillors with one-third elected three years in four. Councillors are democratically accountable to residents of their ward. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Standards Committee trains and advises them on the code of conduct.

All councillors meet together as the Council. Meetings of the Council are normally open to the public. Here councillors decide the Council's overall policies and set the budget each year. Annually, the Council is responsible for appointing the leader, the chairs/vice chairs and membership of Policy and Performance boards, Forums and Panels and committees. The leader is responsible for appointing members to the Executive and sub-committee of the Executive. Time is set aside at all Policy and Performance Boards for the public to ask questions. The Council also operates a call-in procedure for Executive decisions. Public speaking on planning applications has also been introduced at the Development Control Committee.

### **HOW DECISIONS ARE MADE**

The Executive and its sub-committees/boards are the part of the Council which is responsible for most day-to-day decisions. The Executive is made up of a leader and cabinet of up to 9 councillors whom he appoints. When major decisions are to be discussed or made, these are published in the Executive's Forward Plan in so far as they can be anticipated. If these major decisions are to be discussed with council officers at a meeting of the Executive, this will generally be open for the public to attend except where personal, confidential or exempt matters are being discussed. The Executive has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

### **OVERVIEW AND SCRUTINY**

There are six Policy and Performance Boards which support the work of the 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 which advise the Executive and the Council as a whole on its policies, budget and service delivery. Policy and Performance Boards also monitor the decisions of the Executive. They can 'call-in' a decision which has been made by the Executive but not yet implemented. This enables them to consider whether the decision is appropriate. They may identify and examine issues of interest or concern, contribute to the development of policy, and may also be consulted by the Executive or the Council with a view to making comments and recommendations to inform decision-making.

The Council now has a formal role in relation to the scrutiny of Health Services and has allocated this role to the Healthy Halton Policy & Performance Board. Policy and Performance Boards also have scope to examine issues and activities involving other agencies, organisations and partnerships.

In order to give local citizens a greater say in Council affairs, borough wide Area Forums have been introduced. These cover the following wards:

Area 1 – Broadheath, Ditton, Hale, Hough Green

Area 2 – Riverside, Appleton, Kingsway

Area 3 – Farnworth, Halton View, Birchfield  
Area 4 – Mersey, Heath, Grange, Halton Brook  
Area 5 – Castlefields, Norton North, Norton South, Windmill Hill  
Area 6 – Beechwood, Halton Lea  
Area 7 – Daresbury

and their terms of reference are

To act as promoters of the areas interest as follows:

- (a) to contribute to the development of the community strategy and other plans or policies affecting the area;
- (b) to examine the impact and co-ordination of council policies and services;
- (c) to submit recommendation of the panel meetings relating to the particular area to the Executive Board
- (d) to request attendance of Executive Board members or officers to answer questions on local issues;
- (e) to consider areas of local concern;
- (f) to indicate views on any issues referred to the Area Forum by the Executive Board
- (g) to indicate views on a defined range of issues requiring local member consultation, for example highways matters.

They involve councillors for each particular area and are held in public.

### **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. A code of practice governs the relationships 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 more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau can advise on individuals' legal rights.

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

Citizens have the right to:

- vote at local elections if they are registered;
- contact their local councillor about any matters of concern to them;
- obtain a copy of the Constitution;
- attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on a mayoral form of executive;
- Contribute to investigations by the Policy and Performance Boards by participating in public question time
- find out, from the Executive's Forward Plan, what major decisions are to be discussed by the Executive or decided by the Executive or officers, and when;
- attend meetings of the Executive where key decisions are being discussed or decided;
- see reports and background papers, and any record of decisions made by the Council and Executive (except for exempt and confidential matters);
- complain to the Council about the standard of service or lack of action by the Council where the complainant remains dissatisfied with the Council's initial response;
- complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;
- complain to the Standards Board for England if they have evidence which they think shows that a councillor has not followed the Council's Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact Mr. D. Parr, Chief Executive, Municipal Building, Kingsway, Widnes WA8 7QF – Tel 0151 907 8300.

Citizens have a right to inspect agendas and reports and attend meetings. Citizens have a right to ask questions at Policy and Performance board meetings and to take part in the public speaking on planning applications. Please refer to Appendix 1 and Appendix 6.

## Chapter 2

### Article 1 – The Constitution

#### 1.01 Powers of the Council

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

#### 1.02 The Constitution

This Constitution, and all its appendices, is the Constitution of the Halton Borough Council.

#### 1.03 Purpose of the Constitution

The purpose of the Constitution is to:

1. enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
2. support the active involvement of citizens in the process of local authority decision-making;
3. help councillors represent their constituents more effectively;
4. enable decisions to be taken efficiently and effectively;
5. create a powerful and effective means of holding decision-makers to public account;
6. ensure that no one will review or scrutinise a decision in which they were directly involved;
7. ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
8. provide a means of improving the delivery of services to the community.

## CONSTITUTION

### Aims and objectives of the Council

The Council is committed to providing services to the Halton community, which are of a high quality, in the most efficient and cost-effective way. This commitment is reflected in the duty to provide 'best value'. The Council has adopted a Vision statement which sets out the Council's overall aims and objectives.

## **Our Vision for Halton Borough Council**

Halton will be a thriving and vibrant Borough where people can learn and develop their skills; enjoy a good quality of life with good health; a high quality, modern urban environment; the opportunity for all to fulfil their potential; greater wealth and equality; sustained by a thriving business community; and a safer, stronger and more attractive neighbourhood.

The Council has identified the following key priority areas for action.

### **A SAFER HALTON**

#### **Our overall aim**

To ensure pleasant, safe and secure neighbourhood environments with attractive, safe surroundings, good quality local amenities and the ability of people to enjoy life where they live.

### **A HEALTHY HALTON**

#### **Our overall aim**

To create a healthier community and work to promote well-being, a positive experience of life with good health (not simply an absence of disease), and offer opportunities for people to take responsibility for their health with the necessary support available.

### **HALTON'S URBAN RENEWAL**

#### **Our overall aim**

To transform the urban fabric and infrastructure, to develop exciting places and spaces and to create a vibrant and accessible Borough that makes Halton a place where people are proud to live and see a promising future for themselves and their families.

### **CHILDREN AND YOUNG PEOPLE IN HALTON**

#### **Our overall aim**

To ensure that in Halton children and young people are safeguarded, healthy and happy, and receive their entitlement of high quality services that are sensitive to need, inclusive and accessible to all.

### **EMPLOYMENT LEARNING AND SKILLS IN HALTON**

#### **Our overall aim**

To create an economically prosperous borough that encourages investment, entrepreneurship, enterprise and business growth, and improves the education, skills



and employment prospects of our residents and workforce so they can share in all the opportunities Halton affords.

## **CORPORATE EFFECTIVENESS AND EFFICIENT SERVICE DELIVERY**

### **Our overall aim**

To create the maximum effect on the quality of life in the communities of Halton through the efficient use of the Council's resources.

Further details on the priority areas and the particular contribution that the Council itself will make towards achieving its aims and objectives with regard to the priorities outlined above, are set out in the Council's Corporate Plan. This is the primary document governing the activities of the Council until April 2011 (when it will be reviewed). It provides a mandate and strategic direction for the activities of the Council and its Executive Board, and a framework for service and resource planning.

An important part of ensuring that progress on the priority areas is made, is the recognition that other agencies and organisations in the Borough have a key role to play. The Council has a long history of working in partnership with others in its aim to improve services and make progress on the priorities identified within Halton. Those partners include the health agencies, the police, private businesses, and voluntary and community groups. In order to ensure that this is maintained and improved upon, a formal multi-agency partnership board, known as the Halton Strategic Partnership Board has been established. This board has agreed a long-term vision for Halton, that is, defining the type of place we want Halton to be. It will also look at the key priorities for Halton, and where future resources and services across all the agencies can be more effectively co-ordinated and targeted to those areas most in need.

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

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

The Council will monitor and evaluate the operation of the Constitution as set out in Article 15.

## **Article 2 – Members of The Council**

### **2.01 Composition and eligibility**

(a) **Composition.** The Council will comprise 56 members, otherwise called councillors. One or more councillors will be elected three years in every four by the voters of each ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State or drawn up by the Electoral Commission.

(b) **Eligibility.** Only registered voters of the borough or those living or working there will be eligible to hold the office of councillor.

## 2.02 Election and terms of councillors

### Election and terms

Elections of a third (or as near as may be) of all Councillors are held on the first Thursday in May in each year. In 2009 and every fourth year after there will be no regular election. The terms of office of councillors will 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.

## 2.03 Roles and functions of all councillors

(a) **Key roles.** All councillors will:

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

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

(iii) contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;

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

(v) effectively represent the interests of their ward and of individual constituents;

(vi) balance different interests identified within the ward and represent the ward or electoral division as a whole;

(vii) respond to constituents' enquiries and representations fairly and impartially;

(viii) be involved in decision-making;

(ix) be available to represent the Council on other bodies;

(x) maintain the highest standards of conduct and ethics; and

(xi) participate in the governance and management of the Council.

### (b) Rights and duties

(i) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law, and in accordance with the Council's code on members' right of access to council documents at Appendix 2.

(ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it.

(iii) For these purposes, “confidential” and “exempt” information are defined in the Access to Information Rules in Chapter 4 of this Constitution.

#### **2.04 Conduct**

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

#### **2.05 Allowances**

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

#### **2.06 Role Profiles**

The Council has agreed a series of Role Profiles explaining the roles of Members (including the roles of Members that have been given special responsibilities) in more detail. The Role Profiles are set out in Chapter 8.

### **Article 3 – Citizens and The Council**

#### **3.01 Citizens’ rights**

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Chapter 4 of this Constitution:

(a) **Voting and petitions.** Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected mayor form of Constitution.

(b) **Information.** Citizens have the right to:

(i) attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed and the meeting is therefore held in private;

(ii) attend meetings of the Executive when key decisions are being considered;

(iii) find out from the Forward Plan what key decisions will be taken by the Executive and when;

(iv) see reports and background papers, and any records of decisions made by the Council and the Executive; and

(v) inspect the Council’s accounts and make their views known to the external auditor.

(c) **Participation.** Citizens have the right to attend and to contribute to investigations by Policy and Performance Boards by participating in public question time.

(d) **Complaints.** Citizens have the right to complain to:

(i) the Council itself under its complaints scheme;

(ii) the Ombudsman after using the Council's own complaints scheme;

(iii) the Standards Board for England about a breach of the Councillor's Code of Conduct.

### **Corporate Complaints**

In order to ensure that complaints about services are dealt with in a consistent manner, the Council has in place a 'Corporate Complaint Procedure'. This procedure covers formal complaints, that is, dissatisfaction about the standard of a service, or lack of action by the Council and where the complainant remains dissatisfied with the Council's initial response.

A number of types of complaint are excluded from this procedure. These include

- Complaints which are essentially criticisms of, or disagreements with, Council policies or decisions
- Complaints against individual employees which arise directly from dissatisfaction with a Council policy or decision
- Complaints against schools which are subject to a different set of arrangements
- Parents of children who receive services from Social Services who have a right to complain under Section 26(3) of the 1989 Children Act
- Routine requests for a service or information
- Matters for which there is a right of appeal or legal remedy.

A Step by Step guide should you wish to complain about Council services is available on request from Halton Direct Link. This sets out how to progress a complaint and the process that will be followed in order to resolve it.

### **3.02 Citizens' responsibilities**

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

## **Article 4 – The Full Council**

### **4.01 Meanings**

(a) **Policy Framework.**

The policy framework means the following plans and strategies:-

- Annual Library Plan;
- Best Value Performance Plan;
- Children and Young People Plan;
- Community Strategy
- Crime and Disorder Reduction Strategy;
- Local Transport Plan;
- Plans and alterations which together comprise the Development Plan;
- Youth Justice Plan;
- Council's Corporate Plan;
- Food Law Enforcement Service Plan;
- The plan and strategy which comprise the Housing Investment Programme;
- Adult Learning Plan;
- Lifelong Learning Development Plan;
- Local Agenda 21 Strategy;
- Quality Protects Management Action Plan;
- Social Exclusion Strategy;
- Contaminated Land Strategy;
- Licensing Authority Policy Statement.

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

#### 4.02 Functions of the full Council

Only the Council will exercise the following functions:

(a) adopting and changing the Constitution;

(b) approving or adopting the policy framework and the budget;

(c) subject to the urgency procedure contained in the Access to Information Procedure Rules in Chapter 4 of this Constitution, making decisions about any matter in the discharge of an Executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;

(d) appointing the leader;

(e) agreeing and/or amending the terms of reference for all boards, Forums and Panels, regulatory and other committees, deciding on their composition and making appointments to them;

(f) appointing representatives to outside bodies unless the appointment is an Executive function or has been delegated by the Council (NB casual vacancies arising during the year are delegated to the Chief Executive in consultation with the Leader);

- (g) adopting an allowances scheme under Article 2.05;
- (h) applying to change the name of the area, conferring the title of honorary alderman or freedom of the borough;
- (i) confirming the appointment of the head of paid service;
- (j) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (k) all local choice functions set out in Chapter 3 of this Constitution which the Council decides should be undertaken by itself rather than the Executive; and
- (l) all other matters which, by law, must be reserved to Council.

#### **4.03 Council meetings**

There are three types of Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings;
- (c) extraordinary meetings.

and they will be conducted in accordance with the Council Procedure Rules in Chapter 4 of this Constitution.

#### **4.04 Responsibility for functions**

The Council will maintain the tables in Chapter 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Executive .

## **Article 5 – Chairing The Council**

#### **5.01 Role and function of the mayor**

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

- i. The main duty of the Mayor is to preside over principal meetings of the Council and, if present at the meeting, he/she must preside. (Local Government Act 1972, Schedule 12, paragraph 5(5)).
- ii. If the Mayor is not present at the Council meeting the Deputy Mayor has to preside.
- iii. The person presiding at the Annual Meeting must give a casting vote in the event of any equality of votes for the election of a new Mayor. This is in addition to any other vote he or she may have cast (Section 4(3) of the 1972 Act).

iv. Standing Orders give the Mayor specific powers in Charing Council meetings.

The Mayor's ruling on any matter, whether it be the admissibility of a point of order or a ruling upon the result of a vote, or upon a ruling to refuse to hear a person, is final and is not open to challenge.

v. The Mayor may call an extraordinary meeting of Council subject to proper procedures being followed (Local Government Act 1972, Schedule 12, paragraph 3).

vi. If the Mayor fails or refuses to call an extraordinary meeting within seven days after a requisition for that purpose by five members has been presented to him/her, any five members may forthwith call an emergency meeting. (Local Government Act 1972, Schedule 12, paragraph 3.)

vii. The Mayor may perform certain tasks in a similar manner to a Justice of the Peace. By virtue of the Administration of Justice Act 1973, and section 10(2) of the Justices of the Peace Act 1979, they may do the following:

(a) sign any document for the purpose of authenticating another person's signature;

(b) take and authenticate by their signature any written declaration not made on oath;

(c) give a certificate of facts within their knowledge or of their opinion as to any matter.

## **PRECEDENCE**

The Mayor is the first citizen of the borough, and has right of precedence in attendance at functions, and speaking at functions, in appearing at parades and the like, over all except on the occasion of a Royal visit, when Royalty and the Lord Lieutenant (the Lord Lieutenant takes precedence only when representing Royalty) will have precedence.

When undertaking formal civic duties, such as at a Council meeting, appearing at a parade, receiving distinguished visitors, the Mayor will usually be robed and wearing the chain. The Mayor's Secretary and the Mayor's Attendant will advise on the detailed protocol on the occasion when this is required.

## **CHAIRING THE COUNCIL MEETING**

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

1. 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;

2. to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not on the Executive are able to hold the Executive to account;

3. to promote public involvement in the Council's activities;
4. to attend such civic and ceremonial functions as the Council and he/she determines appropriate; and
5. to participate in the Council's dispute solving process.

## **Article 6 – Policy and Performance Boards (PPBs)**

### **6.01 Terms of reference**

The Council will appoint the Policy and Performance Boards set out in the left hand column of the table below to discharge the functions conferred by section 21 of the Local Government Act 2000 or regulations under section 32 of the Local Government Act 2000 in relation to the matters set out in the right hand column of the same table.

<b>COMMITTEE/BOARD</b>	<b>SCOPE</b>
CORPORATE SERVICES POLICY AND PERFORMANCE BOARD	The primary function of the Corporate Services PPB is to scrutinise that the Council (and its Partners) have available the necessary finance, organisation and people, physical resources, communication and information, and that those resources are effectively focused on achieving the Council's priorities.
HEALTHY HALTON POLICY AND PERFORMANCE BOARD	The primary function is to focus on the work of the Council (and its Partners) in seeking to Improve Health in the Borough and to scrutinise progress against the Corporate Plan in relation to the Healthy Halton Priority.
CHILDREN AND YOUNG PEOPLE POLICY AND PERFORMANCE BOARD	The primary function is to focus on the work of the Council (and its Partners) in seeking to ensure that children and young people in Halton have the best possible start in life and the opportunity to fulfil their potential and succeed, and to scrutinise progress against the Corporate Plan in relation to the Children and Young People Priority.
EMPLOYMENT, LEARNING AND SKILLS POLICY AND PERFORMANCE BOARD	The primary function is to focus on the work of the Council (and its Partners) in seeking to improve economic prosperity in Halton and the skills and employment prospects of its residents, and to scrutinise progress against the Corporate Plan in relation to the Employment, Learning and Skills Priority.



<p>SAFER HALTON POLICY AND PERFORMANCE BOARD</p>	<p>The primary function is to focus on the work of the Council (and its Partners) in seeking to ensure that the environment within the Borough is safe and attractive for local people to enjoy, and to scrutinise progress against the Corporate Plan in relation to the Safer Halton Priority.</p>
<p>URBAN RENEWAL POLICY AND PERFORMANCE BOARD</p>	<p>The primary function is to focus on the work of the Council (and its Partners) in seeking to bring about the Urban Renewal of the Borough and to scrutinise progress against the Corporate Plan in relation to the Urban Renewal Priority.</p>

**6.02 General role**

Within their terms of reference, Policy and Performance Boards will:

- i) examine the subject matter of forthcoming decisions and, where appropriate, make recommendations to inform and strengthen decision-making;
- ii) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- ii) make reports and/or recommendations to the full Council and/or the Executive and/or any organisation, partnership, joint arrangement or Area Forum in connection with the discharge of any functions;
- iii) consider any matter affecting the area or its inhabitants; and
- iv) exercise the right to call-in, for reconsideration, when a decision is made but not yet implemented by the Executive Board and Executive Board Sub-Committee.

**6.03 Scrutiny.**

Policy and Performance Boards may

- i. review and scrutinise the decisions made by, and the performance of, the Executive Board and Executive Board Sub-Committee and Council officers both in relation to individual and collective decisions;
- ii. review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- iii. question members of the Executive and chief officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;

iv. make recommendations to the Executive and/or Council arising from the outcome of the scrutiny process;

v. review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Policy and Performance Boards and local people about their activities, plans and performance; and

vi. question and gather evidence from any person (with their consent).

In addition, the Council now has a formal role in relation to scrutiny of The Health Service.

**Finance.** Policy and Performance Boards may exercise overall responsibility for the finances made available to them.

**Annual report.** Policy and Performance Boards must report annually to full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

**Operating considerations.** In carrying out their functions, Policy and Performance Boards shall have regard to:

i. the need to maintain effective and beneficial relationships with the European Community and subsidiary organisations;

ii. the principles and practice of best value, value for money and economy, efficiency and effectiveness at all appropriate times;

iii. the need to ensure equality of opportunity in the delivery of services by the Council;

iv. the community strategy and the strategic policy framework of the Council;

v. the views of any Area Forum which have been consulted on any issues being examined by the Policy and Performance Boards;

vi. the views of the public and stakeholders within the community which have been consulted by the Policy and Performance Boards.

## **Powers and Duties of the Policy & Performance Boards**

1. Policy and Performance Boards shall:
  - (i) Initiate new policy proposals for consideration by the Executive Board/Council;
  - (ii) Monitor performance and offer comments and recommendations for improvements;
  - (iii) Review and make recommendations on policies, strategies and plans;
  - (iv) Promote public confidence in the Council's services;
  - (v) Hold Executive Board members and senior officers to account;
  - (vi) Monitor Executive Board compliance with agreed policies;
  - (vii) Ensure adherence to the priorities in the Council's Corporate Plan;
  - (viii) Receive a report on any petitions received by the Council relating to the Board's policy area and/or any action taken or proposed to be taken by the Executive (or Executive Board Sub-Committee Portfolio Holder or an officer acting under delegated powers).
2. To receive representations, evidence or expert opinion from outside the Council and to draw conclusions from such representations to the attention of the Executive Board/Council as appropriate.
3. To consult with the public where appropriate in relation to Council services which fall within the terms of reference of the Policy & Performance Board.
4. To review any area of income and expenditure which falls within the remit of the Policy & Performance Board.
5. To make recommendations to the Executive Board on the financial aspects of the proposals which fall within the remit of the Policy & Performance Board.
6. To request the Executive Board where appropriate to make a report to the Council on any decision not included in the Forward Plan which the Policy & Performance Board consider should have been included in the Forward Plan. The Executive Board will be required to explain the decision and why it was not included in the Forward Plan.
7. The Chair of the Policy & Performance Board will receive all papers relating to a decision which is in the Forward Plan when the Forward Plan is finalised and published. The Chair will be entitled to receive these papers at least five days before the decision is taken.

8. To examine systematically the services of the Council within the remit of the Board in order to assess their efficiency, effectiveness, economy, quality and value for money.
9. To consult with the Executive on any plan or strategy including strategic policy.
10. To monitor the Citizens' Charter and Complaints Procedure and make recommendations to the Executive Board.
11. The Healthy Halton Policy and Performance Board to examine the healthcare provision within the area in relation to all residents of the Borough. To participate in all initiatives for improving health and the healthcare provision within the area and to call officers from the Health Authority to account and request them to appear before the Policy & Performance Board when appropriate.
12. The Corporate Services Policy and Performance Board to set up a Panel of 5 Members (selected by the Committee Services Manager in consultation with the Chairman) as necessary to hear and determine complaints under the Corporate Complaints Procedure.
13. To provide informed input in response to requests from the Executive Board for advice, options and appraisal on matters falling within the remit of the Policy & Performance Board.
14. To the extent that matters are delegated to the Executive Board Sub-Committee, to exercise their powers and duties in relation to the work of the Executive Board Sub-Committee in the same way as though the matters in question were being dealt with by the Executive Board itself.
15. To authorise expenditure on civic hospitality up to a maximum of £500 per annum.

#### **6.04 Proceedings of Policy and Performance Boards**

Policy and Performance Boards will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Chapter 4 of this Constitution.

6.05 The Council will appoint one of its Members to act as the Scrutiny Co-Ordinator to carry out the functions and responsibilities set out in the Role Profile for the Scrutiny Co-Ordinator (see Chapter 8).

### **Article 7 – The Executive**

#### **7.01 Role**

The Executive will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

### **7.02 Form and composition**

The Executive will consist of the Executive leader together with at least 2, but not more than 9, councillors appointed to the Executive by the Executive leader.

The Leader may also appoint a Member Without Portfolio, outside the Executive, to carry out the functions outlined in Chapter 8 of this Constitution.

### **7.03 Leader**

The leader will be a councillor elected annually to the position of leader by the Council. The leader will hold office until:

- (a) he/she resigns from the office; or
- (b) he/she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
- (c) he/she is no longer a councillor; or
- (d) in the event of a change in the political control of the Council

### **7.04 Other Executive members**

Other Executive members shall hold office until:

- (a) they resign from office; or
- (b) they are suspended from being councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
- (c) they are no longer councillors; or
- (d) they are removed from office by the leader who must give written notice of any removal to the proper officer. The removal will take effect two working days after receipt of the notice by the proper officer.

### **7.05 Proceedings of the executive**

Proceedings of the executive shall take place in accordance with the Executive Procedure Rules set out in Chapter 4 of this Constitution.

### **7.06 Responsibility for functions**

The leader will maintain a list in Chapter 3 of this Constitution setting out which individual members of the Executive, committees of the Executive, officers or joint arrangements are responsible for the exercise of particular Executive functions.

## **Article 8 – Business Efficiency Board**

### **8.01 Business Efficiency Board**

The Business Efficiency Board is responsible for drawing up an Efficiency Strategy for the Authority based on Gershon principles, ensuring that it meets its statutory requirements for securing Best Value in all that it does: it is also responsible for ensuring that the Council has a high standard of corporate governance.

The terms of reference and functions of this Board are set out in detail in Appendix 4.

## **Article 9 - Regulatory and other committees**

### **9.01 Regulatory and other committees**

The Council's regulatory and other committees are

Development Control Committee

The Appeals Panel

The Appointments Committee

The Regulatory Committee

The terms of reference and functions of these bodies are set out in Appendix 4.

## **Article 10 – The Standards Committee**

### **10.01 Standards Committee**

The Council meeting will establish a Standards Committee.

### **10.02 Composition**

(a) **Membership.** The Standards Committee is composed of:

- five councillors (only one Councillor will be an Executive Board member);
- two persons (25% of Membership of Committee) who are not councillors or officers of the council or any other body having a standards committee ( independent members);
- one member of a parish council wholly or mainly in the Council's area (a Parish Member).

(b) **Independent members.** Independent members will be entitled to vote at meetings;

(c) **Parish members.** The Parish Member must be present when matters relating to those parish councils or their members are being considered;

(d) **Chairing the Committee.** A member of the Executive may not chair the committee.

### 10.03 Role and Function

The Standards Committee will have the following roles and functions:

(a) promoting and maintaining high standards of conduct by councillors, co-opted members and church and parent governor representatives;

(b) assisting the councillors and co-opted members to observe the Members' Code of Conduct;

(c) advising the Council on the adoption or revision of the Members' Code of Conduct;.

(d) monitoring the operation of the Members' Code of Conduct;

(e) advising, training or arranging to train councillors and co-opted members on matters relating to the Members' Code of Conduct;

(f) granting dispensations to councillor, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct;

(g) dealing with any reports from a case tribunal or interim case tribunal, and any report from the monitoring officer on any matter which is referred by an ethical standards officer to the monitoring officer;

(h) to establish a Sub-Committee consisting of five Members to hear and determine any matter which is referred to the Standards Committee for determination;

(i) the exercise of (a) to (h) above in relation to the parish councils wholly or mainly in its area and the members of those parish councils.

(j) overview of the confidential reporting protocols and codes.

## Article 11 – Area Forums

### 11.01 Area Forums

The Council may appoint Area Forums as it sees fit, 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.

The Council will consult with relevant parish and town councils and the chairmen of relevant parish meetings when considering any amendments to the establishment of the Area Forums.

The activities of Area Forums will be reported to the Corporate Services Policy and Performance Board in order to strengthen public accountability, to ensure they operate in keeping with the Council's corporate priorities and policy framework, to ensure probity and the effective use of Council and other resources at the disposal of the Area Forums and to help identify issues of wider corporate significance emerging from individual Area Forum discussions.

#### 11.02 Form, composition and function

(a) **Table of Area Forums.** The Council will appoint the Area Forums as set out in the first column of the table below, composed as set out in the second column of that table and with the terms of reference set out in the third column.

NAME OF FORUM	COMPOSITION	TERMS OF REFERENCE
Riverside, Appleton & Kingsway	Members of the authority from the area together with invitees.	To reflect its consultative role, the Forum has an advisory capacity. Meetings will be held in public. Meetings will be held in local venues. There will be provision for public question and answer sessions (see Appendix 1). Widespread publicity for the meetings.
Castlefields, Norton North, Norton South & Windmill Hill	“	”
Broadheath, Ditton, Hale & Hough Green	“	”
Farnworth, Halton View & Birchfield	“	”
Mersey, Heath, Grange & Halton Brook	“	”
Beechwood & Halton Lea	“	”
Daresbury	“	”



### **11.03 Conflicts of interest – membership of Area Forums and Policy and Performance Boards**

(a) **Conflict of interest.** If a Policy and Performance Board is scrutinising specific decisions or proposals in relation to the business of the Area Forum of which the councillor concerned is a member, then the councillor may not speak or vote at the Policy and Performance Board meeting unless a dispensation to do so is given by the Standards Committee.

(b) **General policy reviews.** Where the Policy and Performance Boards are reviewing policy generally the member must declare his/her interest before the relevant agenda item is reached, but need not withdraw.

### **11.04 Area Forums – access to information**

Area Forums will comply with the Access to Information Rules in Chapter 4 of this Constitution.

### **11.05 Executive members on Area Forums**

A member of the Executive may serve on an Area Forum if otherwise eligible to do so as a councillor.

## **Article 12– Joint Arrangements**

### **12.01 Arrangements to promote well being**

The Executive, in order to promote the economic, social or environmental well-being of its area, may:

- (a) enter into arrangements or agreements with any person or body;
- (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- (c) exercise on behalf of that person or body any functions of that person or body.

### **12.02 Joint arrangements**

(a) The Council may establish joint arrangements with one or more local authorities and/or their Executives to exercise functions which are not Executive functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities

(b) The Executive may establish joint arrangements with one or more local authorities to exercise functions which are Executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.

(c) Except as set out below, the Executive 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.

(d) The Executive may appoint members to a joint committee from outside the Executive in circumstances when 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 Executive may appoint to the joint committee any councillor who is a member for a ward which is wholly or partly contained within the area;

The political balance requirements do not apply to such appointments.

(e) Details of any joint arrangements including any delegations to joint committees will be found in the Council's scheme of delegations in Chapter 3 of this Constitution.

### **12.03 Access to information**

(a) The Access to Information Rules in Chapter 4 of this Constitution apply.

(b) If all the members of a joint committee are members of the Executive in each of the participating authorities then its Access to Information regime is the same as that applied to the Executive.

(c) If the joint committee contains members who are not on the Executive of any participating authority then the Access to Information Rules in Part VA of the Local Government Act 1972 will apply.

### **12.04 Delegation to and from other local authorities**

(a) The Council may delegate non-Executive functions to another local authority or, in certain circumstances, the Executive of another local authority.

(b) The Executive may delegate Executive functions to another local authority or the Executive of another local authority in certain circumstances.

(c) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.

### **12.05 Contracting out**

The Executive 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

### 13.01 Management structure

(a) **General.** The full Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

(b) **Chief Officers.** The full Council will engage persons for the following posts, who will be designated chief officers:

POST	FUNCTIONS AND AREAS OF RESPONSIBILITY
Chief Executive and Head of Paid Service	<p>Overall corporate management, operational responsibility (including overall management responsibility for all officers)</p> <p>Provision of professional advice to all parties in the decision making process</p> <p>Together with the Monitoring Officer, responsibility for a system of record keeping for all the Council's decisions</p> <p>Representing the Council on partnership and external bodies (as required by statute or the Council)</p>
Strategic Director – Corporate and Policy	<p>Legal Services, Organisational Development and Human Resources Policy and Performance</p> <p>Property Services Financial Services ICT Services Exchequer and Customer Services</p>
Strategic Director - Environment	<p>Environmental and Regulatory Services Highways, Transportation and Logistics Economic Regeneration Major Projects Stadium and Hospitality</p>
Strategic Director - Children and Young People	<p>Vulnerable Children Learning and School Improvement Community Services Business, Planning and Resources</p>
Strategic Director – Health and Community	<p>Culture and Leisure Services Older People/Physical and Sensory Disability Services Adults of Working Age</p>

	Consumer Protection Health and Partnerships (including Housing) Community Safety
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**(c) Head of Paid Service, Monitoring Officer and Chief Financial Officer.**

The Council will designate the following posts as shown:

POST	DESIGNATION
Chief Executive	Head of Paid Service
Operational Director - Financial Services	Chief Finance Officer
Council Solicitor	Monitoring Officer
Strategic Director – Children and Young People	Director of Children’s Services
Strategic Director – Health and Community	Director of Adult Services

Such posts will have the functions described in Article 13.02–13.04 below.

**(d) Structure.** The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at Chapter 7 of this Constitution.

(NB All references to the Council Solicitor in this Constitution shall include the Council Solicitor, and the Operational Director and Monitoring Officer (Legal, Organisational Development and Human Resources). In addition, all references to the Operational Director – Human Resources in this Constitution shall include the Operational Director – Human Resources, and the Operational Director and Monitoring Officer (Legal, Organisational Development and Human Resources.)

### 13.02 Functions of the Head of Paid Service

**(a) Discharge of functions by the Council.** The Head of Paid Service will report to full Council on the manner in which the discharge of the Council’s functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

**(b) Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

### 13.03 Functions of the Monitoring Officer

**(a) Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.

**(b) Supporting the Standards Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.

(c) **Ensuring lawfulness and fairness of decision making.** After consulting with the Head of Paid service and Chief Finance Officer, the Monitoring Officer will report to the full Council or to the Executive 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 rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

(d) **Receiving reports.** The Monitoring Officer will receive and act on reports made by ethical standards officers and decisions of the case tribunals.

(e) **Conducting investigations.** The Monitoring Officer will conduct investigations into matters referred by ethical standards officers and make reports or recommendations in respect of them to the Standards Committee.

(f) **Proper officer for access to information.** The Monitoring Officer will ensure that Executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.

(g) **Advising whether Executive decisions are within the budget and policy framework.**

The Monitoring Officer will advise whether decisions of the Executive are in accordance with the budget and policy framework.

(h) **Providing advice.** 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.

(i) **Restrictions on posts.** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

#### 13.04 Functions of the Chief Finance Officer

(a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Head of Paid service and the Monitoring Officer, the Chief Finance Officer will report to the full Council or to the Executive in relation to an Executive function – and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

(b) **Administration of financial affairs.** The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.

(c) **Contributing to corporate management.** The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

(d) **Providing advice.** The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and the elected mayor and will support and advise councillors and officers in their respective roles.

(e) **Give financial information.** The Chief Finance Officer will provide financial information to the media, members of the public and the community.

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

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

### **13.06 Conduct**

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

### **13.07 Employment**

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

## **Article 14 – Decision Making**

### **14.01 Responsibility for decision making**

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 functions. This record is set out in Chapter 3 and Appendix 4 of this Constitution.

### **14.02 Principles of decision making**

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

- i. Proportionality - the action will be proportionate to the desired outcome
- ii. Consultation – there will be appropriate consultation and professional advice obtained from officers
- iii. Human Rights – all decisions will take into account the European Convention on Human Rights
- iv. Openness and accessibility – in all decisions, there will be a presumption in favour of openness
- v. Clarity – there will be a clarity of aims and desired outcomes in respect of every decision made

### **14.03 Types of decision.**

(a) Decisions reserved to full Council. Decisions relating to the functions listed in Article 4.02 will be made by the full Council and not delegated.

(b) Key decisions.

(i) A key decision is a decision which is likely:

(a) to result in a local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates;

or

(b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.

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

#### **14.04 Decision making by the full Council**

Subject to Article 14.08, the Council meeting will follow the Council Procedures Rules set out in Chapter 4 of this Constitution when considering any matter.

#### **14.05 Decision making by the Executive**

Subject to Article 14.08, the Executive and any committee of the Executive will follow the Executive Procedures Rules set out in Chapter 4 of this Constitution when considering any matter.

#### **14.06 Decision making by Policy and Performance Boards**

Policy and Performance Boards will follow the Policy and Performance Board Rules set out in Chapter 4 of this Constitution when considering any matter.

#### **14.07 Decision making by other committees and sub-committees established by the Council**

Subject to Article 14.08, other Council committees and sub-committees will follow those parts of the Council Procedures Rules set out in Chapter 4 of this Constitution as apply to them.

#### **14.08 Decision making by Council bodies acting as tribunals**

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 – Finance, Contracts and Legal Matters**

#### **15.01 Financial management**

The management of the Council's financial affairs will be conducted in accordance with the Standing Orders relating to Finance set out in Chapter 4 of this Constitution.

#### **15.02 Contracts**

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



### **15.03 Legal proceedings**

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

### **15.04 Authentication of documents**

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Council Solicitor or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person. Any contract with a value exceeding £10,000 entered into on behalf of the local authority in the course of the discharge of an Executive function shall be made in writing. Such contracts must either be signed by an officer of the authority at Operational Director level or made under the common seal of the Council attested by the Council Solicitor or his nominee.

### **15.05 Common Seal of the Council**

The Common Seal of the Council will be kept in a safe place in the custody of the Council Solicitor. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Council Solicitor should be sealed. The affixing of the Common Seal will be attested by the Council Solicitor or some other person authorised by him/her.

## **Article 16– Review and Revision of the Constitution**

### **16.01 Duty to monitor and review the constitution**

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

### **Protocol for monitoring and review of constitution by Chief Executive**

A key role for the Chief Executive is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task the Chief Executive may:

1. observe meetings of different parts of the member and officer structure;
2. undertake an audit trail of a sample of decisions;
3. record and analyse issues raised with him/her by members, officers, the public and other relevant stakeholders; and
4. compare practices in this authority with those in other comparable authorities, or national examples of best practice.

## 16.02 Changes to the Constitution

(a) **Approval.** Changes to the Constitution will only be approved by the full Council after consideration of the proposal by the Chief Executive and the Executive Board Member for Corporate Services.

(b) **Change from a leader and cabinet form of executive to alternative arrangements, or vice versa.** The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals.

## Article 17 – Suspension, Interpretation and Publication of the Constitution

### 17.01 Suspension of the Constitution

(a) **Limit to suspension.** Except as set out in 17.01(c) the Articles and rules of this Constitution may not be suspended. The Rules specified below may be suspended by the full Council to the extent permitted within those Rules and the law.

(b) Procedure to suspend. A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of councillors are present. 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.

(c) The Rules relating to the debate procedure at Council Meetings may be suspended in accordance with Article 17.01. In addition, particularly in cases of emergency, delegated powers are granted to the Chief Executive in consultation with the Leader and Deputy Leader to amend the Articles and Rules (Standing Orders) by suspension, addition, adjustment or deletion of functions in the interests of ensuring fully accountable provision of local services consistent with the principles of best value, economy, efficiency and effectiveness.

References in the Articles and Rules to a particular piece of legislation shall extend to legislation that replaces or amends that legislation.

The above power may be exercised either to change the scheme generally or specifically in relation to a particular case or set of facts.

Where this power is exercised a report shall be submitted to the next suitable meeting of the Executive Board.

The Council must have available to it a way of dealing with problems immediately but with the political input guaranteed by consultation with Leader and Deputy Leader. The above wording provides that "safety valve."

### **17.02 Interpretation**

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.

### **17.03 Publication**

(a) The Chief Executive will give a printed copy of this Constitution to each member of the authority upon delivery to him/her of that individual's declaration of acceptance of office on the member first being elected to the Council.

(b) The Chief Executive will ensure that copies are available for inspection at Council offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.

(c) The Chief Executive will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary. To this end, the full text of the Constitution is available on the internet and intranet.

### **Schedule 1: Description of Executive Arrangements**

The following parts of this Constitution constitute the executive arrangements:

1. Article 6 (Policy and Performance Boards) and the Policy and Performance Board Rules;
2. Article 7 (The Executive) and the Executive Procedure Rules;
3. Article 11 (Area Forums) - Area Forums are set up to cover the whole area of the Borough but have no delegated functions;
4. Article 12 (Joint arrangements) – No functions are presently delegated by the Executive.
5. Article 14 (Decision making) and the Access to Information Procedure Rules;
6. Chapter 3 (Responsibility for Functions).

## **Chapter 3**

### **Responsibility for Functions**

The responsibility for functions are outlined in Appendix 4 in relation to

- i. Standing Orders relating to the Powers and Duties of Executive Board, Policy and Performance Boards, Committees and Forums and Panels
- ii. Standing Orders relating to Duties of Proper Officers and Delegations to Officers



## **Chapter 4**

### **INTRODUCTION**

**See Appendix 5 for Standing Orders relating to the Conduct of Council Business**

### **DECLARATION OF INTEREST**

There is a standing item on every Council agenda headed Declaration of Interests. This item reminds members of their responsibility to declare any personal and/or prejudicial interests which they have in any item of business on the agenda, no later than when that item is reached. Subject to certain exceptions in the Code of Conduct Members may have to leave the meeting prior to discussion and voting on the item.

The Council maintains a formal Register of Members' Interests. The Register contains details of all registerable interests relevant to individual members as required by Part III of the Local Government Act 2000. The information is kept on a year by year basis in alphabetical order based on the surname of the member (councillor). The records show a pro-forma giving the date on which the Proper Officer of the Council received each notice of interest, the name of the member who gave the notice and in individual sleeves thereafter the actual notices received from each member, duly signed and dated.

A similar Register of Interests is kept for the Parish Councils of Hale, Preston Brook, Daresbury and Moore.

### **ACCESS TO INFORMATION PROCEDURE RULES**

#### **1. SCOPE**

These rules apply to all meetings of the Council, Policy and Performance Boards, Area Forums, the Standards Committee, the Best Value Committee and Regulatory Committees and public meetings of the Executive or its Sub-Committee. (together called meetings).

#### **2. ADDITIONAL RIGHTS TO INFORMATION**

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

#### **3. RIGHTS TO ATTEND MEETINGS**

Members of the public may attend all meetings subject only to the exceptions in these rules i.e. meetings dealing with exempt and confidential items.

#### **4. NOTICES OF MEETING**

The Council will give at least five clear days notice of any meeting by posting details of the meeting at the Municipal Building and all reception points of the council.

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

The Council will make copies of the agenda and reports open to the public available for inspection at the designated office at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to councillors) will be open to inspection from the time the item was added to the agenda.

#### **6. SUPPLY OF COPIES**

The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the Chief Executive 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.

#### **7. ACCESS TO MINUTES ETC AFTER THE MEETING**

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

- (a) the minutes of the meeting or records of decisions taken, together with reasons, for all meetings of the Executive – excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) 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;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public

## **8. BACKGROUND PAPERS**

### **8.1 List of background papers**

The officer compiling the report 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:

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

(b) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10 below) and in respect of Executive reports, the advice of a political advisor, (if any).

### **8.2 Public inspection of background papers**

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

## **9. SUMMARY OF PUBLIC'S RIGHTS**

A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at the Council's main offices.

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

### **10.1 Confidential information – requirement to exclude public**

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.

### **10.2 Exempt information – discretion to exclude public**

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

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

### **10.3 Meaning of confidential information**

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.



#### 10.4 Meaning of exempt information

Exempt information means:

- (i) information falling within the categories 1 to 7 below; and
- (ii) which does not also fall within one or more of the categories 8 to 9 below; and
- (iii) in all the circumstances of the case the public interest in maintaining the exemption (ie withholding the information from the public and press) outweighs the public interest in disclosing the information.

#### Categories of information which may be treated as exempt:

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 direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

#### Categories of information which may not be treated as exempt under paragraphs 1 to 7 above:

8. Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under:
  - (a) the Companies Act 1985;
  - (b) the Friendly Societies Act 1974;
  - (c) the Friendly Societies Act 1992;
  - (d) the Industrial and Provident Societies Acts 1965 to 1978;
  - (e) the Building Societies Act 1986; or
  - (f) the Charities Act 1993.

9. Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

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

If the Chief Executive thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 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.

## **12. APPLICATION OF RULES TO THE EXECUTIVE**

Rules 13 – 24 apply to the executive and its committees. If the executive or its committees meet to take a key decision then it must also comply with Rules 1 – 11 unless Rule 15 (general exception) or Rule 16 (special urgency) apply. A key decision is as defined in Article 13.03 of this Constitution. If the executive or its committees meet to discuss a key decision to be taken collectively, with an officer other than a political assistant present, within 28 days of the date according to the Forward Plan by which it is to be decided, then it must also comply with Rules 1 – 11 unless Rule 15 (general exception) or Rule 16 (special urgency) apply. A key decision is as defined in Article 13.03 of this Constitution. This requirement does not include meetings, whose sole purpose is for officers to brief members.

## **13. PROCEDURE BEFORE TAKING KEY DECISIONS**

Subject to Rule 15 (general exception) and Rule 16 (special urgency), a key decision may not be taken unless:

- (a) a notice (called here a Forward Plan) has been published in connection with the matter in question;
- (b) at least 5 clear days have elapsed since the publication of the Forward Plan; and
- (c) where the decision is to be taken at a meeting of the Executive or its committees, notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

### **PROCEDURE**

1. The Chief Executive and Monitoring Officer will devise a register of all key decisions which will be kept in Committee Section in the directorate of the Chief Executive. The responsibility to ensure the register is completed is an individual member/officer responsibility. The register must be completed as soon as reasonably practicable after a decision is taken.

The register will include:

- (i) The decision;
  - (ii) A reason for the decision;
  - (iii) Relevant interests of members involved;
  - (iv) Consultation undertaken including named officers from which advice was taken and the advice given;
  - (v) Dispensations granted;
  - (vi) The date the decision is to become effective.
2. Register must be publicly available.
3. There must be a Forward Plan of key decisions. The plan must contain the proposed key decisions for the next four months. The Plan is available on the internet/intranet and must be made available to the public and Policy & Performance Boards at least two weeks in advance of the period covered.
4. The Plan must set out:
- (i) A short description of matters under consideration and when key decisions are expected to be taken;
  - (ii) Who is responsible for taking the decisions and how they can be contacted;
  - (iii) What relevant reports and background papers are available;
  - (iv) How and when the decision maker intends to involve local stakeholders in the decision making process.

## **14. THE FORWARD PLAN**

### **14.1 Period of forward plan**

Forward Plans will be prepared by the leader to cover a period of four months, beginning with the first day of any month. They will be prepared on a monthly basis and subsequent Plans will cover a period beginning with the first day of the second month covered in the preceding Plan.

### **14.2 Contents of forward plan**

The Forward Plan will contain matters which the leader has reason to believe will be subject of a key decision to be taken by the Executive, a committee of the Executive, individual members of the Executive, officers, or under joint arrangements in the course of the discharge of an Executive function during the period covered by the Plan. It will describe the following particulars in so far as the information is available or might reasonably be obtained:

- (a) the matter in respect of which a decision is to be made;
- (b) where the decision taker is an individual, his/her name and title, if any and where the decision taker is a body, its name and details of membership;
- (c) the date on which, or the period within which, the decision will be taken;
- (d) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
- (e) the means by which any such consultation is proposed to be undertaken;
- (f) the steps any person might take who wishes to make representations to the Executive or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and
- (g) a list of the documents submitted to the decision taker for consideration in relation to the matter.

The Forward Plan must be published at least 14 days before the start of the period covered. The Chief Executive will publish once a year a notice in at least one newspaper circulating in the area, stating:

- (a) that key decisions are to be taken on behalf of the Council;
- (b) that a Forward Plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis;
- (c) that the Plan will contain details of the key decisions to be made for the four month period following its publication;
- (d) that each Plan will be available for inspection at reasonable hours free of charge at the Council's offices at the Municipal Building, Kingsway, Widnes
- (e) that each Plan will contain a list of the documents submitted to the decision takers for consideration in relation to the key decisions on the Plan;
- (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the Forward Plan is available;
- (g) that other documents may be submitted to decision takers;
- (h) the procedure for requesting details of documents (if any) as they become available; and
- (i) the dates on each month in the following year on which each Forward Plan will be published and available to the public at the Council's offices.

Exempt information need not be included in a Forward Plan and confidential information cannot be included.

## **15. GENERAL EXCEPTION**

If a matter which is likely to be a key decision has not been included in the Forward Plan, then subject to Rule 16 (special urgency), the decision may still be taken if:

(a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next Forward Plan and until the start of the first month to which the next Forward Plan relates;

(b) the proper officer has informed the chair of a relevant Policy and Performance Board, or if there is no such person, each member of that committee in writing, by notice, of the matter about which the decision is to be made;

(c) the proper officer has made copies of that notice available to the public at the offices of the Council; and

(d) at least 3 clear days have elapsed since the proper officer complied with (a) and (b).

Where such a decision is taken collectively, it must be taken in public.

## **16. SPECIAL URGENCY**

If by virtue of the date by which a decision must be taken Rule 15 (General Exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the chair of the body making the decision, obtains the agreement of the chair of a relevant Policy and Performance Board that the taking of the decision cannot be reasonably deferred. If there is no chair of a relevant Policy and Performance Board, or if the chair of each relevant Policy and Performance Board is unable to act, then the agreement of the Mayor of the Council, or in his/her absence the Deputy Mayor will suffice.

## **17. REPORT TO COUNCIL**

### **17.1 When a Policy and Performance Board can require a report**

If a Policy and Performance Board thinks that a key decision has been taken which was not:

(a) included in the Forward Plan; or

(b) the subject of the general exception procedure; or

(c) the subject of an agreement with a relevant Policy and Performance Board chair, or the Mayor/Deputy Mayor of the Council under Rule 16; the Policy and Performance Board may, after liaising with the Monitoring Officer, and taking his/her advice, require the Executive to submit a report to the Council within such reasonable time as the Policy and Performance Board specifies. The power to require a report

rests with the Policy and Performance Board, but is also delegated to the proper officer, who shall require such a report on behalf of the Policy and Performance Board when so requested by the chairman or any 5 members. Alternatively the requirement may be raised by resolution passed at a meeting of the relevant Policy and Performance Board.

### **17.2 Executive's report to Council**

The Executive will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7 days of receipt of the written notice, or the resolution of the Policy and Performance Board, 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 is of the opinion that it was not a key decision the reasons for that opinion.

### **17.3 Quarterly reports on special urgency decisions**

In any event the leader will submit quarterly reports to the Council on the Executive decisions taken in the circumstances set out in Rule 16 (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.

## **18. RECORD OF DECISIONS**

After any meeting of the Executive or any of its committees, whether held in public or private, the proper officer or, where no officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

## **19. EXECUTIVE MEETINGS RELATING TO MATTERS WHICH ARE NOT KEY DECISIONS**

The Executive will decide whether meetings relating to matters which are not key decisions will be held in public or private.

## **20. NOTICE OF PRIVATE MEETING OF THE EXECUTIVE**

Members of the Executive or its committees will be entitled to receive three clear working days notice of a meeting to which they are summoned, unless the meeting is convened at shorter notice as a matter of urgency.

## **21. ATTENDANCE AT PRIVATE MEETINGS OF THE EXECUTIVE**

(a) The Head of the Paid Service, the Chief Financial Officer and the Monitoring Officer, or their nominees are entitled to attend any meeting of the Executive and its Committees. The Executive may not meet unless the proper officer has been given reasonable notice that a meeting is to take place.

(b) A private Executive meeting may only take place in the presence of the proper officer or his/her nominee with responsibility for recording and publicising the decisions.

## **22. DECISIONS BY INDIVIDUAL MEMBERS OF THE EXECUTIVE**

### **22.1 Reports intended to be taken into account**

Where an individual member of the Executive receives a report which he/she intends to take into account in making any key decision, then he/she will not make the decision until at least 5 clear days after receipt of that report.

### **22.2 Provision of copies of reports to Policy and Performance Board**

On giving of such a report to an individual decision maker, the person who prepared the report will give a copy of it to the chair of every relevant Policy and Performance Board before a decision is taken and make it publicly available at the same time.

### **22.3 Record of individual decision**

As soon as reasonably practicable after an Executive decision has been taken by an individual member of the Executive or a key decision has been taken by an officer, he/she will prepare, or instruct the proper officer to prepare, a record of the decision, a statement of the reasons for it and any alternative options considered and rejected. The provisions of Rules 7 and 8 (inspection of documents after meetings) 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 or advice from a political assistant (if any).

## **23. POLICY AND PERFORMANCE BOARD ACCESS TO DOCUMENTS**

### **23.1 Rights to copies**

Subject to Rule 23.2 below, a Policy and Performance Board will be entitled to copies of any document which is in the possession or control of the Executive and which contains material relating to

- (a) any business transacted at a public or private meeting of the Executive; or
- (b) any decision taken by an individual member of the Executive.

### **23.2 Limit on rights**

A Policy and Performance Board will not be entitled to:

- (a) any document that is in draft form;
- (b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or

(c) the advice of a political adviser (if any).

## **24. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS**

### **24.1 Material relating to previous business**

All members will be entitled to inspect any document which is in the possession or under the control of the Executive and contains material relating to any business previously transacted at a private meeting unless either (a) or (b) below applies.

(a) it contains exempt information falling within paragraph 3 (except to the extent that the information relates to any terms proposed or to be proposed by or to the Authority in the course of negotiations for a contract) or paragraph 6 of the categories of exempt information; or

(b) it contains the advice of a political adviser (if any).

### **24.2 Material relating to key decisions**

All members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Executive which relates to any key decision unless paragraph (a) or (b) above applies.

### **24.3 Nature of rights**

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



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

### **1. The framework for Executive decisions**

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

### **2. Process for developing the framework**

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

(a) The Executive will draw up initial proposals in relation to any plan, strategy or budget which forms part of the Council's budget and policy framework. In drawing up proposals the Executive will consult with Area Forums and other stakeholders in a manner appropriate to the matter under consideration. Once drawn up the proper officer will serve copies of the proposals on the chairs of relevant Policy and Performance Boards together with dates when the Executive will consider them further, which shall be a reasonable time after service of the notice on the chair.

(b) The Policy and Performance Board may, at the discretion of the Chair, be convened to consider whether to respond to the Executive's initial proposals and whether any consultation by it is appropriate. If so the Policy and Performance Board will conduct a consultation exercise and will reflect any representations made to in its response to the Executive within the timescale set for decision by the Executive.

(c) The Executive will finalise its proposals for the Council to consider having taken into account any comments from the Policy and Performance Chairs or Boards and Area Forums. The report to Council will show the Executive's response to those comments.

(d) The Council will consider the proposals of the Executive and either adopt them without amendment or, if it has any objections to all or some part of the proposals, inform the Leader of the Council of its objections. In the event that the Council notifies the Leader of the Council that it has objected to the proposals those objections will be dealt with accordance with the Council's Dispute Solving Process (and Standing Orders relating to proceedings and business) set out in Appendix 3.

(e) In approving the budget and policy framework, 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 Executive, in accordance with paragraphs 5 and 6 of these Rules (virement and in-year adjustments). Any other changes to the budget and policy framework are reserved to the Council.

### **3. Decisions outside the budget or policy framework**

(a) Subject to the provisions of paragraph 5 (virement) the Executive, individual members of the Executive and any officers, or joint arrangements discharging Executive functions may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which

is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by full Council, then that decision may only be taken by the Council, subject to 4 below.

(b) If the Executive, individual members of the Executive and any officers, or joint arrangements discharging Executive functions want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Financial Officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4 (urgent decisions outside the budget and policy framework) shall apply.

#### **4. Urgent decisions outside the budget or policy framework**

(a) The Executive, a committee of the Executive, an individual member of the Executive or officers, or joint arrangements discharging Executive functions may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:

- i) if it is not practical to convene a quorate meeting of the full Council; and
- ii) if the chair of a relevant Policy and Performance Board agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of full Council and the chair of the relevant Policy and Performance Board's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the chair of a relevant Policy and Performance Board the consent of the Mayor and in his/her absence, the Deputy Mayor, will be sufficient.

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

#### **5. Virement**

When a potential overspend of expenditure or a shortfall in income cannot be contained within a single cost centre in accordance with the budget and policy framework then consideration shall be given to the transfer of a budget provision from another cost centre - a process called VIREMENT.

It shall be borne in mind that virement represents the diversion of resources meant for one purpose, and approved by the Council for that purpose, to fund other purposes.

Virement into a receiving budget head may only occur provided that the donating cost centre does not subsequently become overspent during the budget period.

No virement is permitted which involves a change in policy or commits expenditure into future years.

Virement up to £250,000 shall be authorised by the Operational Director – Financial Services and the appropriate Strategic Director.

Where virement would exceed £250,000 it may only be approved by the Executive Board, or a Sub-Committee of the Executive Board in circumstances where the power to decide has been delegated to the Sub-Committee.

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

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

(a) which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;

(b) necessary to ensure compliance with the law, ministerial direction or government guidance;

(c) in relation to the policy framework in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration.

## **7. Call-in of decisions outside the budget or policy framework**

(a) Where a Policy and Performance Board 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.

(b) In respect of functions which are the responsibility of the Executive, the Monitoring Officer's report and/or Chief Finance Officer's report shall be to the Executive with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the Executive must meet to decide what action to take in respect of the Monitoring Officer's report and to prepare a report to Council in the event that the Monitoring Officer or the Chief Finance Officer conclude that the decision was a departure, and to the Policy and Performance Board if the Monitoring Officer or the Chief Finance Officer conclude that the decision was not a departure.

(c) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Finance Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in

accordance with the budget, the Policy and Performance Board may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 10 days of the request by the Policy and Performance Board. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Finance Officer. The Council may either:

i) endorse a decision or proposal of the Executive decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all councillors in the normal way;

*Or*

ii) amend the Council's financial regulations or policy concerned to encompass the decision or proposal of the body or individual responsible for that Executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all councillors in the normal way;

*Or*

iii) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the Executive to reconsider the matter in accordance with the advice of either the Monitoring Officer/Chief Finance Officer.

#### **8. Call-in of other decisions**

Any other matter decided by the Executive will be subject to the call-in procedure set out in the Policy and Performance Board Procedure Rules.

## **EXECUTIVE PROCEDURE RULES**

### **1. How does the Executive operate?**

#### **1.1 Who may make Executive decisions?**

The arrangements for the discharge of Executive functions are set out in the Council's Standing Orders relating to Duties of Proper Officers and Delegation to Officers and relating to Powers and Duties of Executive Board, Policy and Performance Boards, Committees and Forums and Panels. (See Appendix 4.)

In the absence of a specific delegation in the above standing orders, Executive decisions will only be made by the Executive Board.

#### **1.2 Delegation by the leader**

At the annual meeting of the Council, the leader will present to the Council a written record of delegations made by him/her for inclusion in the Council's scheme of delegation at Chapter 3 and Appendix 4 to this Constitution. The document presented by the leader will contain the following information about Executive functions in relation to the coming year:

- i) the names, addresses and wards of the people appointed to the Executive by the leader;
- ii) the extent of any authority delegated to Executive members individually, including details of the limitation on their authority;
- iii) the terms of reference and constitution of such Executive committees or sub-committees of the Executive as the leader appoints and the names of Executive members appointed to them;
- iv) the nature and extent of any delegation of Executive functions to any other authority or any joint arrangements and the names of those Executive members appointed to any joint committee for the coming year; and
- v) the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

#### **1.3 Sub-delegation of Executive functions**

- (a) Where the Executive, or a committee of the Executive is responsible for an Executive function, they may delegate further to joint arrangements or an officer.
- (b) Unless the Council directs otherwise, if the leader delegates functions to the Executive, then the Executive may delegate further to a committee of the Executive or to an officer.
- (c) Unless the leader directs otherwise, a committee of the Executive to whom functions have been delegated by the leader may delegate further to an officer.

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

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

(a) Subject to (b) below the Council's scheme of delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Article 7 and set out in Chapter 3 and Appendix 4 of this Constitution.

(b) The leader is able to amend the scheme of delegation relating to Executive functions at any time during the year. To do so, the leader must give written notice to the proper officer and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, committee or the Executive as a whole. The proper officer will present a report to the next ordinary meeting of the Council setting out the changes made by the leader.

(c) Where the leader seeks to withdraw delegation from a committee, notice will be deemed to be served on that committee when he/she has served it on its chair.

#### **1.5 Conflicts of Interest**

(a) Where the leader or any other Member of the Executive Board has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Chapter 5 of this Constitution.

(b) If every member of the Executive has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Chapter 5 of this Constitution.

(c) If the exercise of an Executive function has been delegated to a committee of the Executive, an individual member or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Chapter 5 of this Constitution.

#### **1.6 Executive meetings – when and where?**

The Executive will meet at least 12 times per year at times to be agreed by the leader. The Executive shall meet at the Council's main offices or another location to be agreed by the leader.

#### **1.7 Public or private meetings of the Executive?**

When key decisions are taken, the Executive will meet in public subject to the Access to Information rules in Chapter 4 of this constitution in relation to exempt information.

## **1.8 Quorum**

The quorum for a meeting of the Executive, or any sub-committee of the Executive, shall be 5 and 2 respectively.

## **1.9 How are decisions to be taken by the Executive?**

(a) Executive decisions which have been delegated to the Executive as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Chapter 4 of the Constitution.

(b) Where Executive decisions are delegated to a committee of the Executive, the rules applying to Executive decisions taken by them shall be the same as those applying to those taken by the Executive as a whole.

## **2. HOW ARE EXECUTIVE MEETINGS CONDUCTED?**

### **2.1 Who presides?**

The leader will preside at any meeting of the Executive or its committees at which he is present, or may appoint another Member of the Executive to do so.

### **2.2 Who may attend?**

When key decisions are taken, Executive Board meetings will be held in public and open to the members of the press subject to the provisions of the Access to Information Act 1985.

### **2.3 What business?**

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

- i) consideration of the minutes of the last meeting;
- ii) declarations of interest (if any);
- iii) matters referred to the Executive for reconsideration by the Executive in accordance with the provisions contained in the Policy and Performance Board procedure rules or the Budget and Policy Framework Procedure Rules set out in Chapter 4 of this Constitution;
- iv) consideration of reports from Policy and Performance Board; and
- v) matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure rules set out in Chapter 4 of this Constitution.

## **2.4 Consultation**

All reports to the Executive from any member of the Executive or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant Policy and Performance Boards, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

## **2.5 Who can put items on the Executive agenda?**

The leader will decide upon the schedule for the meetings of the Executive. He may put on the agenda of any Executive meeting any matter which he wishes, whether or not authority has been delegated to the Executive, a committee of it or any member or officer in respect of that matter. The Chief Executive as proper officer will comply with the leader's requests in this respect.

Any member of the Executive may ask the leader to make sure that an item is placed on the agenda of the next available meeting of the Executive for consideration.

The proper officer will make sure that an item is placed on the agenda of the next available meeting of the Executive where a relevant Policy and Performance Board or the full Council have resolved that an item be considered by the Executive.

The Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of an Executive meeting and may require the proper officer to call such a meeting in pursuance of their statutory duties.



## **POLICY AND PERFORMANCE BOARD PROCEDURE RULES**

The Council will have the Policy and Performance Boards and a Best Value Committee set out in Article 6 and will appoint to them as it considers appropriate from time to time. Policy and Performance Boards may also be appointed for a fixed period, on the expiry of which they shall cease to exist.

### **1. POLICY AND PERFORMANCE BOARDS**

1.1 The Council will have 6 Policy and Performance Boards, which will perform all overview and scrutiny functions on behalf of the Council. Each Board will consist of 11 members of the Council. In addition, co-optees may be appointed to the Policy and Performance Boards.

#### **1.2 Powers and Duties of the Policy & Performance Boards**

1. Policy and Performance Boards shall:
  - (i) Initiate new policy proposals for consideration by the Executive Board/ Council;
  - (ii) Monitor performance and offer comments and recommendations for improvement;
  - (iii) Review and make recommendations on policies, strategies and plans;
  - (iv) Promote public confidence in the Council's services;
  - (v) Hold Executive Board members and senior officers to account;
  - (vi) Monitor Executive Board compliance with agreed policies;
  - (vii) Ensure adherence to the priorities in the Council's Corporate Plan;
  - (viii) Receive a report on any petitions received by the Council relating to the Board's policy area and on any action taken or proposed to be taken by the Executive (or Executive Board Sub-Committee, portfolio holder or an officer acting under delegated powers) in relation thereto.
2. To receive representations, evidence or expert opinion from outside the Council and to draw conclusions from such representations to the attention of the Executive Board/Council as appropriate.
3. To consult with the public where appropriate in relation to Council services which fall within the terms of reference of the Policy & Performance Board.
4. To review any area of income and expenditure which falls within the remit of the Policy & Performance Board.

5. To make recommendations to the Executive Board on the financial aspects of the proposals which fall within the remit of the Policy & Performance Board.
6. To request the Executive Board where appropriate to make a report to the Council on any decision not included in the Forward Plan which the Policy & Performance Board consider should have been included in the Forward Plan. The Executive Board will be required to explain the decision and why it was not included in the Forward Plan.
7. The Chair of the Policy & Performance Board will receive all papers relating to a decision which is on the Forward Plan when the Forward Plan is finalised and published. The Chair will be entitled to receive these papers at least five days before the decision is taken.
8. To examine systematically the services of the Council within the remit of the Board in order to assess their efficiency, effectiveness, economy, quality and value for money.
9. The Health Policy and Performance Board to examine the healthcare provision within the area in relation to all residents of the Borough. To participate in all initiatives for improving health and the healthcare provision within the area and to call officers from the Health Authority to account and request them to appear before the Policy & Performance Board when appropriate.
10. To consult with the Executive on any plan or strategy including strategic policy.
11. To monitor the Citizens' Charter and Complaints Procedure and make recommendations to the Executive Board.
12. The Corporate Services Policy and Performance Board to hear and determine complaints under the Corporate Complaints Procedure.
13. To provide informed input in response to requests from the Executive Board for advice, options and appraisal on matters falling within the remit of the Policy & Performance Board.
14. To authorise expenditure on civic hospitality up to a maximum of £500 per annum.

### **1.3 Additional Provision**

Where matters fall within the remit of more than one Policy and Performance board, the Executive Board will determine which of those Policy and Performance Boards will assume responsibility for any particular issue.

## **2. Who may sit on Policy and Performance Boards?**

All councillors except members of the Executive may be members of a Policy and Performance Board. However, no member may be involved in scrutinising a decision in which he/she has been directly involved.

## **3. Co-optees**

With the exception of the Children and Young People Policy and Performance Board, each Policy and Performance Board shall be entitled to recommend to the Executive Board and Council the appointment of a number of people as non-voting co-optees up to one third of the membership of the Policy and Performance Board. In the case of the Children and Young People Policy and Performance Board, the co-optees consist of diocesan, parent governor, teacher and other educational representatives with the following representatives appointed with voting rights in respect of any question relating to the education functions of the authority's executive (NB these co-optees may participate in any discussion on the Board to which they have been appointed, whether or not they have voting rights on the topic under discussion):

- (a) 1 Church of England diocese representative;
- (b) 1 Roman Catholic diocese representative; and
- (c) 2 parent governor representatives.

## **4. Meetings of the Policy and Performance Board**

There shall be at least 5 ordinary meetings of each Policy and Performance Board in each year. In addition, extraordinary meetings may be called from time to time as and when appropriate. A Policy and Performance Board meeting may be called by the chair of the relevant Policy and Performance Board, by any 5 members of the Board or by the proper officer if he/she considers it necessary or appropriate.

## **5. Quorum**

The quorum for a Policy and Performance Board shall be as set out in the Conduct of Council Business Rules in Appendix 5 of this Constitution.

## **6. Who chairs Policy and Performance Board meetings?**

The Chair and Vice Chair of each Policy and Performance Board will be appointed by the Council.

## **7. Work programme**

The Policy and Performance Boards will be responsible for setting their own work programme and in doing so they shall take into account wishes of members on the Board who are not members of the largest political group on the Council.

## **8. Agenda items**

The Chairman of the Policy and Performance Board is responsible for ensuring that the agendas for meetings are focused on the Board's work programme for the year. As part of this process, the Chairman will decide which items should be included on the agenda and which items are more suitable for inclusion in the Information Bulletin.

However, any member of a Policy and Performance Board shall be entitled to give notice to the chairman that he/she wishes an item relevant to the functions of the Board to be included on the agenda for the next available meeting of the Board.

## **9. Policy review and development**

(a) The role of the Policy and Performance Board in relation to the development of the Council's budget and policy framework is set out in the Budget and Policy Framework Procedure Rules

(b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, Policy and Performance Boards may make proposals to the Executive (or other relevant decision-makers) for developments in so far as they relate to matters within their terms of reference.

(c) Policy and Performance Boards may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so, as long as such payments can be met from within existing budgets.

## **10. Making sure that Policy and Performance Board reports are considered by the executive or policy committees**

(a) The agenda for Executive Board meetings shall include where relevant an item entitled 'Issues arising from Policy and Performance Boards'. The reports of Policy and Performance Board referred to the Executive Board shall be included at this point in the agenda (unless they have been considered in the context of the Executive's deliberations on a substantive item on the agenda) within two months of the Policy and Performance Board completing its report/recommendations.

(b) Policy and Performance Boards will in any event have access to the Executive Board's Forward Plan and timetable for decisions and intentions regarding consultation. Even where an item is not the subject of detailed proposals from a Policy and Performance Board following a consideration of possible policy/service developments, the Board will be able to respond in the course of the Executive Board's consultation process in relation to any key decision.

## **11. Rights of Policy and Performance Board members to documents**

(a) In addition to their rights as councillors, members of Policy and Performance Boards have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Chapter 4 of this Constitution.

(b) Nothing in this paragraph prevents more detailed liaison between the Executive Board and Policy and Performance Boards as appropriate depending on the particular matter under consideration. A constructive dialogue between the Policy and Performance Boards and the Executive is necessary for effective overview, scrutiny and policy development work.

## **12. Members and officers giving account**

(a) Any Policy and Performance Board may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may request any member of the Executive, the Head of Paid Service and any Strategic Director to attend before it to explain in relation to matters within their remit:

- i) any particular decision or series of decisions;
- ii) the extent to which the actions taken implement Council policy; and/or
- iii) their performance;

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

(b) Where any member or officer is requested to attend a Policy and Performance Board under this provision, the chair of that Board will inform the proper officer. The proper officer shall inform the member or officer in writing giving at least 10 working days notice of the meeting at which he/she is to attend. The notice will state the nature of the item on which he/she is to attend to give account and whether any papers are required to be produced for the Board. Where the account to be given to the Board will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

(c) Where, in exceptional circumstances, the member or officer is unable to attend on the requested date, then the Policy and Performance Board shall in consultation with the member or officer arrange an alternative date for attendance.

## **13. Attendance by others**

A Policy and Performance Board may invite people other than those people referred to in paragraph 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 shall invite such people to attend.

#### 14. Call-in

Any matter decided by the Executive Board or an Executive Board Sub-Committee/Sub-Board may be called in not later than 5 working days after the publication of the Minutes of the Executive Board or Executive Board Sub-Committee/Sub-Board which decided the matter. At least ten members of the Council or five members of the relevant Policy and Performance Board with responsibility for the matter decided by the Executive Board or Executive Board Sub-Committee/Sub-Board must apply in writing to the Chief Executive on the requisite form for the matter to be called in. Any matter called in must be considered at the next meeting of the Council which will have power to affirm or reject the decision. If rejected the Council may refer the decision back to the Executive Board or Executive Board Sub-Committee/Sub-Board for further consideration. The call in procedure can only be used once in relation to any particular decision. Once the procedure has been used and a decision confirmed or rejected by the Council the decision cannot be reconsidered.

Once a call in application is made it cannot be withdrawn after the expiry of the call in period, namely after the five working days following the publication of the Minutes of the Executive Board or Executive Board Sub-Committee/Sub-Board which decided the matter. A signature to a call in application can however be withdrawn at any time before expiry of the five working day period. Any notice of withdrawal will only take effect if it is in writing to the Chief Executive. If a signature is withdrawn the proposer will be advised and will need to obtain an alternative signature and notify the Chief Executive within the five day period.

The call in procedure only applies to the Executive Board and Executive Board Sub-Committees/Sub-Boards.

Decisions requiring immediate action and so specified in the minutes of the Executive Board or Executive Board Sub-Committee/Sub-Board are also excluded from 'call in'.

#### 15. The party whip

*'The party whip' means:*

*"Any instruction given by or on behalf of a political group to any councillor who is a member of that group as to how that councillor shall speak or vote on any matter before the Council or any committee or sub-committee, or the application or threat to apply any sanction by the group in respect of that councillor should he/she speak or vote in any particular manner."*

When considering

- (a) any matter referred to a Policy and Performance Board by the Executive; or
- (b) the review of any decision; or
- (c) the performance of any Member

in respect of which a member of a Policy and Performance Board 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 Board's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

## **16 . Procedure at Policy and Performance Board meetings**

(a) Policy and Performance Boards shall consider the following business:

i) minutes of the last meeting;

ii) Public Question Time

iii) declarations of interest (including whipping declarations);

iv) consideration of any matter referred to the Board for a decision in relation to call in of a decision (if any);

v) consideration of matters included in the Council's Forward Plan (if any);

vi) responses of the Executive Board to reports of the Policy and Performance Board (if any); and

vii) the business otherwise set out on the agenda for the meeting.

(b) Where the Policy and Performance Board conducts an investigation (e.g. with a view to policy development), the Board may also ask people to attend to give evidence at Board meetings which are to be conducted in accordance with the following principles:

i) that the investigation be conducted fairly and all members of the Board be given the opportunity to ask questions of attendees, and to contribute and speak;

ii) that those assisting the Board by giving evidence be treated with respect and courtesy; and

iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

(c) Following any investigation or review, the Board shall prepare a report, for submission to the Executive and/or Council as appropriate and shall make its report and findings public.

## **17. Matters within the remit of more than one Policy and Performance Board**

Where a Policy and Performance Board conducts a review or scrutinises a matter which also falls (whether in whole or in part) within the remit of another Policy and Performance Board (or vice versa), then the Chair of the Committee/Board conducting the review shall invite the chair of the other Committee/Board (or his/her nominees) to attend its meetings when the matter is being reviewed.

### **18. Member Group Meetings**

The Scrutiny Co-ordinator may call meetings of the Chairmen of the Policy and Performance Boards in order to discuss co-ordination of issues, so avoiding duplication, and to share best practice.



**STANDING ORDERS  
RELATING TO FINANCE**

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**PART 10 - COLLECTION AND CONTROL OF MONEY**

- 10.1 - General
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**PART 11 – IRREGULARITIES, FRAUD and CORRUPTION**

- 11.1 - Reporting Arrangements
- 11.2 - Police Involvement

## **PART 1 – PURPOSE OF STANDING ORDERS RELATING TO FINANCE**

Standing Orders relating to Finance provide the framework for managing the authority's financial affairs. They apply to every member and officer of the authority and anyone acting on its behalf. Their purpose is to:

- establish and maintain systems for the control of the Council's financial activities;
- give general guidance and advice to members and officers as to their responsibilities within these various financial activities;
- ensure members and officers maintain a proper and effective use of those Council resources within their control;
- protect the public, members and officers by being able to demonstrate that property and funds used by the Council are administered with complete integrity;
- promote the Council's Anti-Fraud and Anti-Corruption Strategy.

Any contravention of these Standing Orders, by an officer or member, whether deliberate or unintentional, may lead to disciplinary action.

The Operational Director – Financial Services is responsible for maintaining a continuous review of the Standing Orders relating to Finance and submitting any additions or changes necessary to the full Council for approval.

## **PART 2 - INTERPRETATIONS**

### **Capital Expenditure**

- expenditure on permanent assets such as land, buildings, roads, equipment etc.

### **Cashier**

- an officer who receives money on behalf of the Council.

### **Certifying Officer**

- any officer to whom the power to certify accounts, invoices and expenditure vouchers has been delegated.

### **General Fund**

- is the revenue fund of the Council where all the day to day transactions involving expenditure and income are conducted for all the services of the Council.

### **Money**

- means cash, cheques, postal orders, money orders and vouchers or mandates having a monetary value.

### **Officer**

- means any employee and any official agent acting on behalf of the Council.

### **Responsible Officer**

- an officer whose duties require that he/she controls and accounts for any money, stores or materials, equipment or property on behalf of the Council.

### **Revenue expenditure**

- Money that the Council spends on a day-to-day basis, e.g. staffing costs.

### **Strategic Director**

- Responsibilities of Strategic Directors are also the responsibility of the Chief Executive.

### **Unofficial Fund**

- is any fund, other than an official Council Fund, which is controlled wholly or partly by an officer of the Council; which is connected with a service or service establishment and is financed other than by the Council.

**Virement**

- The transfer of resources from one budget head to finance additional spending on another budget head.

## **PART 3 - RESPONSIBILITIES**

### **3.1 OPERATIONAL DIRECTOR - FINANCIAL SERVICES**

3.1.1 The Operational Director - Financial Services is the Financial Adviser to the Council and the Executive Board.

3.1.2 The Operational Director – Financial Services has statutory duties in relation to the financial administration and stewardship of the authority. This statutory responsibility cannot be overridden. The statutory duties arise from:

- Section 151 of the Local Government Act 1972
- Section 144 of the Local Government Finance Act 1988
- The Local Government and Housing Act 1989
- The Accounts and Audit Regulations 1996
- The Accounts and Audit Regulations 2003

3.1.3 The Operational Director - Financial Services shall maintain the necessary principal financial and accounting records for all services and activities. In this respect he/she will be responsible for the production of the statutory final accounts, the preparation and submission of all grant claims and all financing arrangements.

3.1.4 The Operational Director - Financial Services shall be responsible for providing advice to the other Strategic and Operational Directors on the installation of secure financial systems and internal controls.

3.1.5 The Standing Orders relating to Finance should be read in conjunction with any other instructions of the Council relating to financial matters, particularly:

- Standing Orders relating to duties of Proper Officers and Delegation to Officers.
- Procurement Standing Orders.
- The Anti-Fraud and Anti-Corruption Strategy.

### **3.2 STRATEGIC DIRECTORS**

3.2.1 Strategic Directors are responsible for the management and control of financial arrangements within their departments in accordance with these Standing Orders, ensuring compliance with the requirements of any procedures established by the Operational Director - Financial Services and taking appropriate action in the event of non-compliance.

3.2.2 Strategic Directors should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.

- 3.2.3 Strategic Directors shall be responsible for the administration and security of information technology systems within their own directorate dealing with financial matters and in particular the accuracy of the data input and data produced by these systems.
- 3.2.4 It is the responsibility of Strategic Directors to consult with the Operational Director – Financial Services and seek approval on any matter liable to affect the authority's finances materially before any commitments are incurred.

### **3.3 OPERATIONAL DIRECTORS**

- 3.3.1 Operational Directors may have responsibility delegated to them by Strategic Directors for certain financial matters, including budget monitoring and control and will be held accountable for those budgets.

### **3.4 CERTIFYING OFFICERS**

- 3.4.1 Strategic Directors shall draw up a list, with the agreement of the Chief Internal Auditor, of those officers authorised to certify accounts, invoices, orders and expenditure vouchers on their behalf (Delegated Authority to Certify Financial and Personnel Documents) within the following limits:

Strategic Directors – £5,000,000  
Operational Directors - £1,000,000  
Divisional Managers - £100,000  
Other specific Managers - £10,000  
Other nominated Officers - £1,000

Accounts, invoices, orders and expenditure vouchers over £5,000,000 in value must be certified by any two Strategic Directors.

- 3.4.2 Authorised certifying officers shall be responsible for all financial arrangements delegated under 3.4.1 above and shall maintain a sufficient record of all transactions to account for all such holdings.
- 3.4.3 Authorised certifying officers have a responsibility to assist Internal Audit when reviewing any internal or financial control system for which they are responsible.

### **3.5 ALL OFFICERS AND MEMBERS**

- 3.5.1 Any Officer or Member shall immediately report to the Chief Internal Auditor, either directly or through the appropriate manager, any circumstances which suggest the possibility of financial irregularity or loss.

### **3.6 UNOFFICIAL FUNDS**

- 3.6.1 The responsibilities of a Strategic or Operational Director may extend to custody of unofficial funds or property which belongs to persons other than the Council.

3.6.2 The Strategic or Operational Director, in consultation with the Chief Internal Auditor, shall establish such systems necessary for proper control to be maintained.

3.6.3 The Scheme of Delegation within each department shall identify these responsibilities to officers so authorised.

### **3.7 URGENT ACTION**

3.7.1 Where urgent action becomes necessary as a result of some unforeseen emergency, the Chief Executive (or in the absence of the Chief Executive any two Strategic Directors acting jointly) may take such action and the Standing Orders Relating to Finance shall be waived in respect of such action.

3.7.2 Every use of this Standing Order shall be reported, in writing, to the next available meeting of the Executive Board.

### **3.8 APPLICATION OF STANDING ORDERS RELATING TO FINANCE**

3.8.1 These Standing Orders apply to all Council services.

3.8.2 The financial administration of schools is contained within the Halton Borough Council Scheme for Financing Schools. However, where specific activities are not contained within this scheme then the Council's Standing Orders shall always apply.



## **PART 4 – FINANCIAL PLANNING AND BUDGET SETTING**

### **4.1 FINANCIAL PLANNING**

- 4.1.1 The financial implications of any proposed scheme shall be clearly set out by the appropriate Strategic Director. Each Strategic Director shall consult with the relevant accountant on the funding arrangements and financial consequences before it is submitted to the Executive Board or Policy and Performance Board.
- 4.1.2 The Operational Director - Financial Services shall prepare each year a Financial Forecast covering a period of up to 3 years, which shall include forecasts of both spending needs and available resources.

### **4.2 CAPITAL PROGRAMME**

- 4.2.1 The Operational Director - Financial Services shall compile the approved capital schemes into a Capital Programme on an annual basis.
- 4.2.2 The draft Capital Programme shall be submitted to the Executive Board for approval.
- 4.2.3 The Operational Director - Financial Services can vary the Capital Programme up to:
  - 5% on schemes costing less than £5m
  - £250,000 on schemes costing £5m and above
- 4.2.4 Capital spending by Neighbourhood Services even when acting in a contracting capacity is included within the Council's capital controls and arrangements.

### **4.3. REVENUE BUDGETS**

- 4.3.1 All revenue estimates shall be prepared in accordance with the agreed guidelines as outlined by the Operational Director - Financial Services.
- 4.3.2 The Operational Director - Financial Services shall compile and submit a summary of proposed expenditure and related income budgets to the Executive Board.
- 4.3.3 The Executive Board shall submit the summarised estimates, together with its recommendation as to the Council Tax to be levied, to the Council for approval.
- 4.3.4 The Operational Director - Financial Services shall prepare, for reference, a record of the detailed provisions contained within the approved Revenue Budget.

## **PART 5 – BUDGETARY CONTROL**

### **5.1 CAPITAL CONTROL**

- 5.1.1 Notwithstanding inclusion in the Capital Programme, no capital expenditure shall be incurred before detailed scheme approval by the Executive Board has been obtained in accordance with the Procurement Standing Orders.
- 5.1.2 Any essential preliminary expenses incurred prior to detailed scheme approval shall be revenue expenditure. Following detailed scheme approval such expenditure may or may not become capital expenditure. The Operational Director – Financial Services shall then make the appropriate financial provision.
- 5.1.3 Progress reports on every scheme shall be submitted to the relevant Board at least twice a year by the appropriate Strategic Director. Notwithstanding this requirement, where any variation occurs which is likely to result in an overspend, then the appropriate Strategic Director shall make a specific report immediately to the Executive Board identifying how the overspend will be dealt with.
- 5.1.4 The Operational Director - Financial Services shall report twice yearly to the Executive Board on capital spends.
- 5.1.5 All loans and/or grants to outside bodies which are not to be charged to revenue, count as capital spending and shall be dealt with under the Capital Programme.
- 5.1.6 If there is a requirement during any year to add any item to the approved Capital Programme for that year, then all requirements of this standing order shall apply to such addition.

### **5.2 REVENUE CONTROL**

#### **5.2.1 Responsibility for Revenue Control**

- The approved Revenue Budget shall be deemed to give authority to the Strategic Directors to expend or incur liabilities, during the period covered by that budget, to the extent of the detailed provisions contained therein. In accordance with the Council's scheme of delegation, these deemed authorities shall be exercisable by the Operational Directors.
- Operational Directors shall ensure that expenditure and income is correctly coded to the appropriate budget head.
- Where the duties of any officer introduce the need to charge expenditure or allocate income against a cost centre over which they have no control, they shall never do so without full reference and prior approval of the officer responsible for that budget.

- The responsibility for ensuring that expenditure and income is properly contained within the approved budget provision shall lie with the appropriate Operational Director.
- Operational Directors shall nominate appropriate managers to be responsible for the monitoring and control of every cost centre.
- The Operational Director - Financial Services shall provide financial information to enable budget holders to monitor and control their budgets.
- The Strategic Director - Financial Services shall monitor the Council's overall budget and report thereon twice yearly to the Executive Board.

## **5.2.2 Management of Revenue Budgets**

### **5.2.2.1 Revisions**

- When potential overspends are detected the first course of action shall be to scrutinise the activity within the budget head to see if it can be re-organised to contain expenditure within the original budget provision.
- Where such expenditure cannot be contained within the budget head then other budget heads within the cost centre shall be scrutinised to establish if they can be adjusted to accommodate such expenditure.
- The Strategic Director and relevant Accountant shall be informed of all such adjustments in writing.
- No revisions are permitted which involve a change in policy or commit expenditure into future years without specific approval of the Executive Board.
- Where budgets are initially held centrally within a Directorate, for subsequent re-allocation to specific cost centres once a basis of re-allocation has been established, such re-allocations may be undertaken in liaison with the relevant Accountant.

### **5.2.2.2 Virement**

- When a potential overspend of expenditure or a shortfall in income cannot be contained within a single cost centre in accordance with the above standing order then consideration shall be given to the transfer of a budget provision from another cost centre - a process called VIREMENT.
- It shall be borne in mind that virement represents the diversion of resources meant for one purpose, and approved by the Council for that purpose, to fund other purposes.

- Virement into a receiving budget head may only occur provided that the donating cost centre does not subsequently become overspent during the budget period.
- No virement is permitted which involves a change in policy or commits expenditure into future years without the specific approval of the Executive Board.
- Virement up to £25,000 shall be authorised by the relevant Operational Director with the Strategic Director and relevant Accountant being informed in writing.
- Virement between £25,000 and £250,000 shall be authorised by the relevant Strategic Director with the agreement of the Operational Director - Financial Services.
- Where virement would exceed £250,000 it may only be approved by the Executive Board/Executive Board Sub-Committee.

#### 5.2.2.3 Supplementary Estimates

- When potential overspends cannot be contained by virement or where virement is not allowed an application for a Supplementary Estimate is necessary.
- It should be borne in mind that a Supplementary Estimate could only be met out of the available reserves of the Council.
- Where an application for a Supplementary Estimate does not exceed £250,000 it may be approved by the Operational Director - Financial Services in conjunction with the Portfolio holder for Corporate Services.
- Where a Supplementary Estimate would exceed £250,000 it may only be approved by the Executive Board/Executive Board Sub-Committee.

## **PART 6 – ACCOUNTING AND FINANCIAL MANAGEMENT**

### **6.1 FINANCIAL SYSTEMS**

- 6.1.1 The Operational Director - Financial Services is responsible for the operation of the authority's accounting systems, the form of accounts and the supporting financial records. All such systems and records shall be in a form determined by him/her.
- 6.1.2 Each Strategic Director shall ensure that, within his/her Directorate, sufficient internal control systems exist to ensure that all resources are properly applied on the activity intended and that the possibility of error, inefficiency or fraud (or other abuse) is minimised.
- 6.1.3 The Council's "primary" financial information and accounting system is the Agresso system. Strategic Directors must consult with Internal Audit and Accountancy before making changes to existing financial systems or establishing new systems, to allow for proper consideration of system controls.
- 6.1.4 Each Strategic Director, with the agreement of the Chief Internal Auditor, shall draw up a list of those officers authorised to certify accounts, invoices and expenditure vouchers on their behalf. The list shall be sent to the Chief Internal Auditor and shall be amended on the occasion of any change.

### **6.2 INTERNAL AUDIT**

- 6.2.1 To comply with the provisions the Accounts and Audit Regulations 2003 (amended 2006), the Operational Director - Financial Services is responsible for maintaining an adequate and effective system of internal audit of the Council's accounting records and of its system of internal control in accordance with the proper practices in relation to internal control.
- 6.2.2 Proper internal control practice for internal audit is defined in the CIPFA Code of Practice for Internal Audit in Local Government in the United Kingdom 2006. Internal Audit shall operate to this Code and any other relevant guidance. The definition of Internal Audit within the Code is:
- 'Internal Audit is an assurance function that provides an independent and objective opinion to the organisation on the control environment, by evaluating its effectiveness in achieving the organisation's objectives. It objectively examines, evaluates and reports on the adequacy of the control environment as a contribution to the proper, economic, efficient and effective use of resources'.*
- 6.2.3 For Internal Audit to fulfil its responsibilities effectively, it must be seen to be independent in its planning and activities. In order to achieve this, Internal Audit shall operate within a framework that allows:

- internal auditors to be free of operational responsibilities, thereby ensuring independence from the activities audited;
- the Chief Internal Auditor to have unrestricted direct access to the Strategic Director - Corporate and Policy, the Operational Director - Financial Services, the Monitoring Officer and the Chief Executive on any audit matter he / she considers appropriate;
- the Chief Internal Auditor to have the freedom to report in his / her own name to all officers and members.

6.2.4 The Chief Internal Auditor shall report on the work of Internal Audit to the Business Efficiency Board, which has been designated as the Council's Audit Committee. The reporting arrangements will include:

- quarterly reports summarising the outcomes of internal audit work and any significant emerging issues or risks;
- an annual report that provides an overall opinion on the adequacy and effectiveness of the Council's control environment. This report will form one of the sources of assurance in regard to the annual review of the effectiveness of the system of internal control, as required by the Accounts and Audit Regulations 2003.

6.2.5 The Chief Internal Auditor shall provide a continuous internal audit. The scope of Internal Audit's remit shall extend to the entire control environment of the Council.

6.2.6 The Chief Internal Auditor shall be responsible for assessing Internal Audit's resource requirements. The Business Efficiency Board shall be informed of proposed solutions should there be an imbalance between resource availability and requirements.

6.2.7 Internal auditors, or any other authorised representative of the Operational Director - Financial Services, shall be empowered to:

- enter any Council premises or land at all reasonable times;
- have access to all records, documents, data and correspondence relating to transactions of the Council, or unofficial funds operated by an employee as part of their duties;
- require any employee of the Council to provide such explanations, information or other assistance necessary concerning any matter under audit examination;
- require any employee of the Council to produce cash, stores, or any other property under his / her control.

These rights of access apply equally to partner organisations that have links with, or provide services on behalf of the Council (e.g. voluntary aided

schools), where the Council has a statutory or contractual entitlement to exercise such right. These rights shall be included in all contractual arrangements entered into with such organisations.

6.2.8 Internal Audit shall report the findings, recommendations and agreed actions of each audit review to:

- the appropriate service manager(s)
- the relevant Strategic and Operational Directors
- the Operational Director – Financial Services
- the Strategic Director – Corporate and Policy
- the Chief Executive

6.2.9 Strategic Directors are responsible for ensuring that any agreed actions from audit reports are implemented in a timely and efficient manner.

6.2.10 Managing the risk of fraud and corruption is the responsibility of management. However, at the request of management, Internal Audit may assist with the investigation of suspected fraud and corruption.

6.2.11 Internal Audit must be consulted before changes are made to existing financial systems or new systems are established. Advice and recommendations shall be given without prejudicing the right of Internal Audit to review and make further recommendations on relevant policies, procedures, controls and operations at a later date.

### **6.3 INSURANCE**

6.3.1 The Operational Director – Exchequer and Customer Services shall effect all insurance cover and shall maintain a record of all policy details for notified risks.

6.3.2 Each Strategic Director shall be responsible for ensuring that adequate insurance cover exists within their areas of responsibilities.

6.3.3 Each Operational Director shall be aware and keep under review all potential risks in consultation with the Council's Risk Manager which require to be insured or of any alterations affecting existing insurances.

6.3.4 Each Operational Director shall notify the Operational Director - Exchequer and Customer Services in writing of any loss, liability, damage or any event which may entitle the Council to make a claim under any insurance policy.

6.3.5 Within the terms of certain policies the police must be contacted within certain time limits. It shall be the responsibility of each Operational Director to ensure that this is done and to notify the Operational Director – Exchequer and Customer Services accordingly.

6.3.6 The Operational Director – Exchequer and Customer Services shall negotiate the claims with the insurers, in consultation with other officers where necessary.

#### **6.4 BANKING ARRANGEMENTS AND CHEQUES**

- 6.4.1 All arrangements with the Council's bankers shall be made by the Operational Director - Financial Services who shall operate such accounts as he/she considers necessary.
- 6.4.2 Cheques, bank transfers, direct debits or other instructions to the Council's bankers, must be signed by any one of the following;
- Strategic Director – Corporate and Policy
  - Operational Director - Financial Services
  - Operational Director - Exchequer and Customer Services
  - Chief Accountant
  - Chief Internal Auditor
  - Chief Executive.
- 6.4.3 A facsimile signature of the Operational Director - Financial Services may be used, under such arrangements as he/she may approve, on cheques and other written instructions to the Council's Bankers to pay amounts not in excess of £5,000.
- 6.4.4 All cheques shall be ordered and controlled by the Operational Director – Exchequer and Customer Services who shall make proper arrangements for their safe custody.
- 6.4.5 Cheques or other written instructions to the Council's bankers, in respect of accounts which hold and control funds where the Council has a duty of trusteeship or care, may only be signed by those officers so authorised by the Operational Director - Financial Services and the appropriate Strategic Director.

#### **6.5 TREASURY MANAGEMENT, BORROWING AND INVESTMENT**

- 6.5.1 CIPFA's "Treasury Management in The Public Services - (the Code) (Revised April 2002)" shall be adopted as good practice for treasury management purposes.
- 6.5.2 A Treasury Management Policy Statement, setting out the strategy and the procedures to be followed, shall be approved by the Council, and thereafter its implementation and monitoring shall be delegated to the Executive Board Sub-Committee.
- 6.5.3 All money in the hands of the Council shall be aggregated for the purposes of treasury management and shall be under the control of the Operational Director - Financial Services for the purposes of section 151 of the Local Government Act 1972.
- 6.5.4 All decisions on borrowing, investment or financing shall be delegated to the Operational Director - Financial Services or through him/her to appropriate



staff, who shall be required to act in accordance with CIPFA's "Treasury Management in The Public Services (The Code) (Revised April 2002)".

- 6.5.5 The Operational Director - Financial Services shall present to the Executive Board Sub-Committee, at or before the start of each financial year, a strategy for the forthcoming financial year.
- 6.5.6 The Operational Director – Financial Services shall report to the Executive Board Sub-Committee and relevant Policy and Performance Board not less than four times each financial year on the activities of the Treasury Management operation and on the exercise of Treasury Management powers delegated to him/her. One such report shall comprise an Annual Report on Treasury Management for presentation by 30th September of the succeeding financial year.
- 6.5.7 The Operational Director - Financial Services shall be the Council's registrar of stocks, bonds and mortgages and shall maintain records of all borrowing by the Council.
- 6.5.8 Borrowing and Investments shall be made in the name of the Council.

## **6.6 LEASING AND CREDIT ARRANGEMENTS**

### 6.6.1 Types of Lease

#### 6.6.1.1 Finance Lease

A finance company provides the capital to purchase the equipment which is acquired by the Council. The Council carries all the financial risks, with a non-cancellable primary period and an optional secondary lease term at nominal rental. The lease provides for the equipment to be sold by the authority, with the permission of the Lessor, at the end of the period. The proceeds of any such sale will be passed to the Lessor who will then rebate 95% back to the Council.

Equipment financed in this way is never owned by the Council and may only be sold with the permission of the Lessor and approval of the Operational Director - Financial Services.

The liability must appear on the Council's Balance Sheet with a note of future liability.

Equipment financed by these leases counts against the Council's Borrowing Credit Approval and is therefore not recommended.

#### 6.6.1.2 Operating Lease

A finance company provides the capital to purchase the equipment which is acquired by the Council. The Council does not carry all the financial risks since the finance company is not looking to recover the full costs from the primary lease relying on its own expertise to remarket the equipment to recover any

balance from resale or further rental contracts. Because of this, Operating Leases are cheaper than Finance Leases.

Equipment financed in this way is never owned by the Council and therefore cannot be sold.

The liability does not appear on the Council's Balance Sheet but details of future liability must appear as a note in the Consolidated Revenue Account.

Equipment financed by these leases does not count against the Council's Borrowing Credit Approval.

#### 6.6.1.3 Contract Hire

A supplier provides equipment for the Council to use for an agreed period. They receive in return a rental charge and the agreement does not distinguish between the costs of the goods and this charge. These arrangements may or may not include maintenance. While this type of agreement is generally more expensive than Finance or Operating Leases they are usually much more flexible regarding period and termination.

Equipment financed in this way is never owned by the Council and therefore cannot be sold. The liability does not appear on the Council's Balance Sheet and there is no requirement to disclose any future liability.

Equipment hired under contract hire does not count against the Council's Borrowing Credit Approval.

#### 6.6.1.4 Hire Purchase

This is a specific type of Contract Hire in which the Council has the option to purchase the equipment, at a nominal price, at the end of the hire period. They are usually short periods.

Equipment financed in this way can only be sold if the option to purchase has been exercised.

The liability must appear on the Council's Balance Sheet with a note of future liability.

Equipment financed by Hire Purchase counts against the Council's Borrowing Credit Approval.

#### 6.6.2 Authorisation

All Leases and Hire Purchase Agreements may only be entered into by the Operational Director - Financial Services.

Contract Hire may be entered into by the relevant Strategic Director in association with the Operational Director - Financial Services

### 6.6.3 Expenditure Controls

Finance Leases and Hire Purchase agreements, because they count against the Council's Borrowing Credit Approval, must comply with the Council's capital controls under Standing Order 5.1.

Although Operating Leases and Contract Hire do not count against the Council's Borrowing Credit Approval and do not count as capital expenditure, where they commit expenditure beyond the period covered by the approved revenue budget, the implications of such arrangements shall be reported in writing to the Operational Director - Financial Services for prior approval.

## **6.7 SUBSIDIES, GRANTS AND AGENCY REIMBURSEMENTS**

6.7.1 Each Strategic Director shall be responsible for the identification and maximisation of all Subsidies, Grants and Agency Reimbursements and shall report in writing to the Operational Director - Financial Services the details of all bids for funding including any matchfunding required to be made by the Council.

6.7.2 The relevant Operational Director shall be responsible for submitting the necessary claims within the relevant time limits.

6.7.3 The Operational Director - Financial Services shall be responsible for taking all reasonable steps to ensure the prompt settlement of claims.

6.7.4 All claims for grant and subsidy must be signed by the Strategic Director – Corporate and Policy or the Operational Director – Financial Services.

## **6.8 TAXATION**

6.8.1 There is a clear responsibility and onus on the Council to operate the PAYE system. The system must comply with all the Inland Revenue regulations and respond to all changes as they are introduced. The system does not just embrace employees of the Council, it also includes payments to members and other parties.

6.8.2 The Operational Director – Human Resources shall be responsible for ensuring that the appropriate systems and accounting arrangements are in place to properly identify and account for all aspects of PAYE and NIC liabilities.

6.8.3 The Operational Director – Human Resources shall maintain an up to date knowledge and point of reference for all PAYE and NIC matters.

6.8.4 Each Strategic and Operational Director shall monitor their operations with regard to PAYE and NIC obligations.

6.8.5 All Strategic and Operational Directors shall be responsible for notifying the Operational Director – Human Resources of any changes within their area

which might affect liability and collection of PAYE and NIC for those employed within that area.

**6.9 VALUE ADDED TAX**

- 6.9.1 The Operational Director - Financial Services shall be responsible for ensuring that the appropriate systems and accounting arrangements are in place to properly identify and account for all transactions involving VAT
- 6.9.2 Each Strategic Director shall monitor their operations with regard to VAT matters. The correct VAT liability shall be attached to all income due and all recoverable VAT on purchases shall comply with HM Customs and Excise regulations.
- 6.9.3 The Operational Director - Financial Services shall maintain an up to date knowledge and point of reference for all VAT matters.
- 6.9.4 Each Strategic and Operational Director shall be responsible for notifying the Operational Director - Financial Services of any changes within their area which might involve VAT liability.

## **PART 7 – ASSET CONTROL**

### **7.1 LAND AND BUILDINGS**

- 7.1 The Operational Director - Property Services shall maintain a terrier of all properties which the Council owns or has an interest in, recording against each all details relating thereto.
- 7.2 The Council Solicitor shall have the custody of all title deeds under secure arrangements.

### **7.2 MOVABLE PROPERTY**

- 7.2.1 Inventories shall set out particulars of all furniture, equipment, movable plant and machinery, vehicles and other movable assets with a replacement value exceeding £250 except for stocks and stores which shall be dealt with under Standing Order 7.4.
- 7.2.2 Inventories shall be compiled, and kept up to date, by each Operational Director. They shall also undertake physical checks at least annually and evidence this process.
- 7.2.3 Attractive and portable items, such as computers, cameras and video recorders, should be identified with security markings as belonging to the Council.
- 7.2.4 Purchases of new items and replacement of existing items shall be recorded in the appropriate inventory showing the order number or other appropriate reference to connect that entry with the expenditure recorded in the Council's accounts.
- 7.2.5 Deletions from inventories shall be in accordance with approved procedures and the manner of disposal of redundant or obsolete items shall be in accordance with Standing Order 7.9.

### **7.3 VEHICLES AND PLANT**

- 7.3.1 The form of inventory to be maintained to ensure the proper control and efficient use of all Council vehicles shall be determined by the appropriate Operational Director.
- 7.3.2 The manner of disposal of redundant or obsolete vehicles and plant shall be either, inclusion for an agreed part exchange value within the contract for replacement equipment, or in accordance with Standing Order 7.9.

### **7.4 STOCKS AND STORES**

- 7.4.1 Each Operational Director shall be responsible for the custody and control of stocks and stores in their Department.

- 7.4.2 The receipt, issue and return of all stock items shall be in a manner prescribed by each Strategic Director with the agreement of the Operational Director - Financial Services.
- 7.4.3 Stocks shall not be held in excess of normal requirements except in special circumstances.
- 7.4.4 Operational Directors shall arrange for continuous stocktaking to take place throughout the year and ensure that all items are checked at least once during the year.
- 7.4.5 Following any stockcheck a reference shall be entered on the stores records which shall indicate any deficiency to be written off or any surplus to be brought into charge as stock.
- 7.4.6 Operational Directors shall certify the value of stock held at the 31st March each year and shall notify the Operational Director - Financial Services of such value within one month.

## **7.5 SECURITY**

- 7.5.1 Arrangements for proper security and preventing unauthorised use of all buildings, stocks, stores, furniture, equipment, computer hardware, software, confidential data, cash, documents having monetary value and any other item of value shall be in accordance with procedures agreed with the Chief Internal Auditor.
- 7.5.2 Keys to safes and similar receptacles containing cash shall be retained in the possession of the person responsible for that cash at all times. Such keys shall never be left in Council premises overnight. Any loss shall be reported to the Chief Internal Auditor immediately.
- 7.5.3 Cash holdings shall not at any time exceed those covered by the insurance policies and agreed with the Chief Internal Auditor.
- 7.5.4 Unofficial funds and private property shall be held under secure arrangements agreed with the Chief Internal Auditor.

## **7.6 ASSET INSURANCE**

- 7.6.1 Operational Directors shall ensure that all assets under their control are properly insured in accordance with Standing Order 6.3.

## **7.7 UNAUTHORISED USE OF COUNCIL PROPERTY**

- 7.7.1 The Council's property shall not be removed from Council premises otherwise than in the normal course of the Council's business nor used otherwise than for Council purposes, except with the specific approval of the Operational Director concerned.

## **7.8 LOST PROPERTY**

- 7.8.1 Items of lost property found or handed in on Council Premises shall be entered immediately in a Lost Property Register.
- 7.8.2 The Register shall itemise at least:
- Date the item was found.
  - Name and address of finder.
  - Description of item.
  - Estimated value of item.
  - Signature and address of claimant.
- 7.8.3 Items shall be labelled and referenced to the Register and stored in a safe place. Any cash shall be banked as soon as possible.
- 7.8.4 Any claim shall be paid by cheque or out of Petty Cash, depending on the sum involved, and referenced to the Lost Property Register.
- 7.8.5 Unclaimed items shall be disposed of after six months, preferably by donation to a Local Registered Charity. Consideration shall be given to selling the more valuable items, either individually or as a batch and shall be in accordance with Standing Order 7.9.
- 7.8.6 Where the property is of a perishable nature or where storage would involve unreasonable expense or inconvenience (e.g. wet towels or clothes in swimming areas), then disposal can occur sooner in accordance with procedures approved by the relevant Operational Director.
- 7.8.7 Notice advising the broad policy shall be displayed in all pertinent areas.

## **7.9 DISPOSAL OF ASSETS**

- 7.9.1 When disposing of assets other than land, the official 'Disposal of Assets & Scrap Materials' form shall always be used, for control and accounting purposes.
- 7.9.2 Any proposal to dispose of an asset shall not commence before completing Part 1 of the Disposal form which shall be submitted, in duplicate, to the appropriate Operational Director. Each proposal shall give a full description of the item, outline the reason for disposal, the intended method of disposal and the estimated value to be received.
- 7.9.3 Where the consideration receivable by the Council on disposal is likely to be more than £50,000 then full reference shall be made to the Procurement Standing Orders (Part 5).

- 7.9.4 The authority to dispose of any asset, where the consideration receivable is likely to be less than £50,000, lies with the appropriate Operational Director.
- 7.9.5 Each Operational Director, where the consideration is likely to be less than £50,000, shall be responsible for ensuring the best terms are achieved and accepted. Quotations or tenders shall be invited as outlined below:
- £1000 or less, quotations are advisable and should be in writing,
  - more than £1000 up to £50,000, three written quotations are required.
- 7.9.6 Part 2 of the Disposal form shall be completed to outline all the terms and acceptance details. A copy of the form shall be returned to the proposing officer for record purposes.
- 7.9.7 The details of the disposal shall be noted on the appropriate inventory.
- 7.9.8 Where departmental policy dictates that scrap is accumulated into a viable amount for disposal, each Manager responsible for such areas shall ensure that it is properly retained and passed to the designated officer responsible for the safe custody of this stock within the depot. When an appropriate quantity has accumulated that officer shall complete Part 1 of the Disposal Form and submit it to the appropriate Operational Director or Authorised Officer, for approval. The procedures for the Disposal of Assets shall then be followed.
- 7.9.9 Any item, particularly specialist equipment, included for a 'trade-in' or 'part exchange' allowance against the costs of new or replacement equipment are subject to separate contractual arrangements and do not form part of these procedures.



## **PART 8 – EXPENDITURE CONTROL**

### **8.1 PAYROLL**

8.1.1 The Operational Director – Human Resources shall be responsible for;

- the payment of salaries, wages and allowances,
- the production of all payrolls,
- the maintenance and control of the records relating thereto.

8.1.2 Payments shall only be made where a post is included in the approved establishment or is an agreed temporary appointment and shall be in accordance with the grade, allowances and conditions appropriate to that post.

8.1.3 Operational Directors shall provide the Operational Director - Human Resources with the details of appointments, terminations of employment, and other matters necessary for payroll purposes. They shall be responsible for ensuring that all documents relating to payroll claims and to absences from duty are in accordance with specified procedures and in particular are;

- prepared to proper standards of accuracy,
- approved and certified by the Operational Director or an authorised certifying officer prior to submission for processing,
- retained in a manner suitable for subsequent examination.

8.1.4 At regular intervals, Operational Directors shall check the employees' names listed on the payroll of the cost centres for which they are responsible to verify accuracy and completeness. Any inaccuracies shall be reported to the Operational Director – Human Resources.

### **8.2 ORDERING**

8.2.1 Each Strategic Director must ensure that all expenditure is lawful and has been properly authorised. Additionally, each Director must ensure that adequate controls and procedures operate within their areas of responsibility.

8.2.2 The Council's Procurement Standing Orders must be complied with.

8.2.3 Due consideration must be given to ensure that value for money is achieved, including comparison with costs of internal provision where available, e.g. Print Unit.

8.2.4 Orders must be approved by designated certifying officers.

8.2.5 Orders must be raised using the correct expenditure and product codes.

- 8.2.6 Orders must only be raised where there is sufficient budget to cover all known costs associated with the order.
- 8.2.7 All orders must be raised, processed and paid through the Council's approved systems, except where:
- the orders are made under the terms of a formal contract or standard JCT or ICE conditions,
  - the expenditure relates to regular periodical payments of the type approved by the Operational Director - Financial Services, e.g. gas, electricity, water, rent,
  - specific approval is obtained from the Operational Director – Financial Services.
- 8.2.8 Orders placed for goods and services as a matter of urgency must be confirmed by raising an order on the approved financial system. The confirmation must be clearly marked as such and dispatched to the supplier so that any invoices can be referenced back to the official order.
- 8.2.9 Official orders must not be used for any personal, private or unofficial business.
- 8.2.10 In accordance with the Employee Code of Conduct, officers must declare any links or personal interests that they have with purchasers, suppliers and contractors if they are engaged in contractual or purchasing decisions on behalf of the Council.
- 8.2.11 Orders must not be placed with firms providing promotional offers which constitute inducements to staff unless such offers are converted into discounts for the benefits of the Council.
- 8.2.12 On receipt of goods, officers must record details against the purchase order on the official financial system.

### **8.3 INVOICES AND CREDITOR PAYMENTS**

- 8.3.1 Each Operational Director shall be responsible for ensuring that all accounts arising from within their Directorate are properly examined, verified and certified before submission for payment.
- 8.3.2 The authorised certifying officer shall only certify accounts for payment once the following matters have been established by that officer:
- the works, goods or services to which the account relates have been received, carried out, examined and approved,
  - the quantities, prices, extensions, calculations, discounts, allowances, credits and tax are correct,

- the account has not been previously passed for payment, all details and analysis of VAT have been properly dealt with,
- the relevant expenditure has been allocated to the correct financial code,
- the expenditure is contained within the approved budget,
- the proper entries are made in inventories, stores records or other property records where appropriate.

8.3.3 When processing an invoice for payment, the invoice will be electronically scanned and matched to the relevant order, within approved limits, via the financial system and automatically passed for payment. All other invoices will be scanned and processed via the approved financial system.

8.3.4 Operational Directors, and other authorised Certifying Officers, are responsible for ensuring that undisputed accounts are processed for payment within a maximum of 30 days of the receipt of the invoice. Any disputed invoices should be identified and the reason for the dispute recorded.

8.3.5 Payment will be made by Operational Director – Exchequer and Customer Services by either cheque or direct credit drawn on the Council's bank account.

#### **8.4 EXPENSES AND ALLOWANCES**

8.4.1 Members of the Council shall make claims for the payment of expenses or allowances in accordance with the provisions of, and for duties approved by, the Members Allowance Scheme as agreed by the Executive Board.

Claims shall be submitted on the prescribed form to the Operational Director - Exchequer and Customer Services. These shall be checked against supporting records and certified by the Operational Director - Exchequer and Customer Services or an authorised certifying officer.

The Operational Director - Exchequer and Customer Services shall arrange payment in the manner considered most appropriate.

8.4.2 Officers claiming car allowance shall do so on the form prescribed for that purpose and shall outline the reason for each journey together with sufficient detail to support the claim. Claims shall be passed to the Operational Director - Exchequer and Customer Services and processed on a monthly basis through the payroll system in accordance with the agreed timetable. Claims must be submitted in the financial year to which they relate and must be approved by an authorised certifying officer.

8.4.3 Officers claiming subsistence allowances, travelling and other expenses shall do so on the forms prescribed for that purpose. They shall be at the rate agreed by the Council and approved and certified by the appropriate Operational Director or an authorised certifying officer. Claims below £50 may go through petty cash.

8.4.4 Officers claiming post entry training expenses shall do so on the forms prescribed for that purpose. Claims shall be approved and certified by an authorised certifying officer.

Claims shall be submitted to the Training Manager who will agree the details and sums involved and record and approve the claim.

Claims shall then be passed to the Operational Director - Exchequer and Customer Services who shall arrange for payment to be made through the creditors system.

## **8.5 PETTY CASH**

8.5.1 The Operational Director - Exchequer and Customer Services may make advances, in cash, to those officers as may need them, on account of expenses to be incurred by them on behalf of the Council.

8.5.2 The Petty Cash system is included in the Council's purchasing procedures as a matter of prudence and convenience. Use of the system shall be restricted to those items of a "petty" nature, being too small to warrant treatment through the normal ordering/payment procedures. In any event, the value of any item purchased shall never exceed £50, except as agreed with the Operational Director - Exchequer and Customer Services.

8.5.3 Use of such an account shall be restricted to the purpose for which it was set up.

8.5.4 Petty Cash accounts shall be maintained on the imprest system by the approved Officers, with reimbursement being claimed at intervals not exceeding one month.

8.5.5 Petty Cash accounts shall not be allowed to become overdrawn.

8.5.6 The account shall be maintained in the manner prescribed below:

- Official receipts in the name of the Council shall be obtained for every transaction. These should list full details of items purchased and include the supplier's VAT registration number where applicable.
- Receipts shall be signed and dated by the claimant upon reimbursement.

- Receipts shall be entered into the Petty Cash Book as soon possible. This must be done at least once a week.
- Claims for reimbursement shall be submitted to the Operational Director - Exchequer and Customer Services in plenty of time, having regard to usage and demand, and shall never exceed one month.
- Reimbursement to claimants shall never be made from any other floats.
- Petty Cash floats are the responsibility of particular Officers. If circumstances demand that other officers have access, then they shall be made aware of, and adhere to, the above procedures to ensure proper administration and control.

8.5.7 Occasionally items of a larger nature are required urgently and circumstances dictate that a cash imprest system shall be used. The criteria governing all petty cash payments shall be observed and the official ordering system shall also be used.

## **PART 9 – INCOME CONTROL**

### **9.1 INCOME**

- 9.1.1 Any proposal to introduce a new source of income or to vary any existing source of income, shall, before implementation, be submitted to the Executive Board.
- 9.1.2 Each Operational Director shall furnish the Operational Director - Exchequer and Customer Services with such particulars in connection with work done, goods supplied or services performed as may be required to record correctly all sums due to ensure invoices are prepared promptly and income recovered.
- 9.1.3 The Operational Director – Exchequer and Customer Services shall be notified promptly of all monies due to the Council and of contracts, leases and other agreements which involve the receipt of money.
- 9.1.4 Each Operational Director shall furnish the Operational Director - Financial Services, not later than the 30th April, with details of any income due before the end of the previous financial year which has not previously been notified.
- 9.1.5 Any account, statement or other notification requiring moneys to be paid to the Council shall clearly specify that payment is to be made to "Halton Borough Council".
- 9.1.6 No income shall be written off as irrecoverable without the specific approval of the Executive Board/Executive Board Sub-Committee, except that the Operational Director – Financial Services shall have the power to write off income where the sum is £100,000 or less, or the write-off becomes necessary as a result of bankruptcy, dissolution, liquidation or where the debt becomes irrecoverable by operation of law.
- 9.1.7 All income received on behalf of the Council shall be paid into the appropriate budget head.
- 9.1.8 Subsidies, Grants and Agency Reimbursements may be seen as income but are treated separately under Standing Order 6.7.

## **PART 10 – COLLECTION AND CONTROL OF MONEY**

### **10.1 GENERAL**

- 10.1.1 The Operational Director - Financial Services is responsible for the collection and control of all money due to the Council. The Operational Director – Financial Services shall supervise all matters relating to the collection arrangements and shall approve all systems, procedures and documentation involved.
- 10.1.2 All cheques, postal orders, etc., shall be made payable to "Halton Borough Council". Cashiers shall ensure that the payee's name is correct, date is correct, cheque has been signed and the words and figures agree. Whenever possible, the banker's card should be inspected and the card number and address of the payer written on the reverse of the cheque.
- 10.1.3 On no account shall cash be used for cashing personal cheques or making advances in exchange for IOU's.
- 10.1.4 Official money shall be kept separate from private or unofficial money at all times.
- 10.1.5 Where a discrepancy or irregularity occurs in respect of money held on behalf of the Council, it shall be reported to the Chief Internal Auditor immediately.

### **10.2 RECEIVING MONEY**

- 10.2.1 All money received shall be acknowledged and recorded in the prescribed manner relative to the type of income, for example:
- official receipt produced by the Council's official receipting equipment;
  - official hand written receipt (with carbon copy);
  - rung up in a till;
  - ticket;
  - carbon copy entry on rent card via duplicate posting strip;
  - credit card receipt.
- 10.2.2 Cashiers, when receiving money, are responsible for ensuring its correctness.
- 10.2.3 When payment is received by cheque, the receipt number relating to that payment shall be endorsed on the cheque.
- 10.2.4 Change shall never be given for cheques offered in excess of the amount due.
- 10.2.5 Cashiers shall be responsible for balancing the money collected in the accounting period (usually one day). Any shorts or overs shall be fully documented in an official record.
- 10.2.6 Payments received through the post shall be dealt with in the manner agreed with the Chief Internal Auditor.

### **10.3 SECURITY OF MONEY**

- 10.3.1 Each cashier should have, for their own use, a cash drawer, cash box, safe or other receptacle, the keys to which shall always be retained on their person. Joint use of cash drawers, etc., or joint access to money, should not be permitted unless, in consultation with the Operational Director - Exchequer and Customer Services, special arrangements have been made. It is particularly important that money shall never be left unattended.
- 10.3.2 Cashiers receiving money are responsible for its safe custody and to properly account for it until such time as they part with it in an authorised manner.
- 10.3.3 Money retained overnight or over weekends shall be kept locked in a secure place (a safe whenever possible) and care should be taken to ensure that the insurance cover is not exceeded. Keys to cash drawers, safes, etc., shall never be left on the premises overnight.

### **10.4 DEPOSITING MONEY AND BANKING**

- 10.4.1 All money received on behalf of the Council shall be promptly paid over to the Operational Director - Exchequer and Customer Services or deposited in the Council's name with the Council's Bankers. The banking of coinage shall be subject to special arrangements agreed by the Chief Internal Auditor.
- 10.4.2 All sums due for banking shall be collected by the approved Security Company in accordance with procedures agreed by the Operational Director - Exchequer and Customer Services. Any exceptions, and alternative arrangements, shall be agreed by the Operational Director - Exchequer and Customer Services and shall include adequate security measures.
- 10.4.3 Until proper discharge is obtained, the cashier who received the money shall be solely responsible for its safekeeping.
- 10.4.4 Official bank stationery shall be used when preparing sums for banking. Where cheques, postal orders etc., are paid in, the amount of each cheque, postal order etc., and some reference to connect them with the debt to which they relate (receipt number or name of the debtor) shall be listed separately to supplement and support the bank stationery.
- 10.4.5 All deposits shall be recorded so as to clearly identify the area or service to which the income collected relates.

### **10.5 RECORDS AND STATIONERY**

- 10.5.1 Reports and summaries relating to the recording, control and accounting of cashier activity shall be kept in a manner agreed by the Operational Director – Exchequer and Customer Services. These records shall be available for inspection at all times and retained for a period agreed with the Chief Internal Auditor.



- 10.5.2 Stocks of controlled stationery, such as receipt books, tickets, etc., shall be ordered and stored in accordance with such procedures as agreed with the Operational Director - Exchequer and Customer Services. Departments holding stocks shall ensure that they are securely held until use. A nominated officer in each area or service shall be responsible for the recording and custody of financial stationery until it is used. The stationery shall be used in the correct numerical sequence. Records shall be available at all times for inspection by the Chief Internal Auditor.
- 10.5.3 The use of Controlled Stationery, including safe custody, shall be in accordance with procedures agreed with the Operational Director - Exchequer and Customer Services.
- 10.5.4 Used receipt books etc., shall be returned to the nominated officer and similarly retained for inspection.
- 10.5.5 Collection and deposit records shall be so maintained that ready reference to receipts issued is available, the income is analysed and the dates and amounts of payments made to the Operational Director – Exchequer and Customer Services or to the Council's Bankers are clearly shown. A copy shall be forwarded to the Accountancy Division as soon as possible after the accounting period ends.
- 10.5.6 Prime documents relating to the financial transactions of the Council (orders, invoices, timesheets etc.) to be subject to a retention period relating to the financial transactions of the Council specified by the Operational Director - Financial Services from time to time in accordance with statutory guidelines. Other documents shall be retained for at least 3 years.

## **PART 11 – IRREGULARITIES, FRAUD and CORRUPTION**

### **11.1 REPORTING ARRANGEMENTS**

11.1.1 Any officer shall immediately report to the Chief Internal Auditor, either directly or through line management, any circumstances which suggest the possibility of financial irregularity or loss. The circumstances will be outlined to the Strategic Director – Corporate and Policy, Operational Director – Financial Services and Chief Executive to decide what action is necessary by way of investigation and report.

### **11.2 POLICE INVOLVEMENT**

11.2.1 No action to involve the police in any investigation of any suspected irregularity shall be taken without prior reference to the Strategic Director – Corporate and Policy, Operational Director – Financial Services and Chief Executive. This excludes those circumstances such as unauthorised entry, burglary and theft where immediate police involvement is essential to comply with insurance requirements.

**NOTE CHANGE COLOUR OF PAPER FOR THIS PAGE TO MATCH MAIN PROCUREMENT SOs**

**PROCUREMENT STANDING ORDERS**

**GLOSSARY OF TERMS**

**Standard Select List** – This method should be used if there is no central or standing list or when those lists and the open method would not produce advantages to the Council. Public notice is given using newspaper or journals and the Procurement Web pages, informing potential contractors of the contract into which the Council wishes to enter and inviting those interested parties to apply for permission to tender.

**Central Purchasing Body** means a contracting authority which —  
(a) acquires goods or services intended for one or more contracting authorities;  
(b) awards public contracts intended for one or more contracting authorities;  
or  
(c) concludes framework agreements for work, works, goods or services intended for one or more contracting authorities;

**Contract** – An agreement between the Council and any other party made by executing a Formal Agreement or issue of a Letter of Acceptance or Official Order for the procurement of all supplies, services or works by the Council, or carrying out works for the Council.

**Electronic Procurement Systems** – The process of tendering for goods and services via electronic media.

**European Union Public Procurement Rules** - Each of the Regulations (Supplies, Services and Works) specifies a value threshold below which contracts are exempt. However, contracts are still bound by the general requirements of EU law not to discriminate against contractors from other EU Member States. The Regulations also indicate how contract values should be estimated for these purposes. The thresholds are reviewed every two years.

**Framework Agreements** - A Framework Agreement is an agreement between one or more contracting authorities and one or more suppliers/contractors, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and where appropriate, the quantity envisaged (call offs).

**Invitation to Tender (ITT)** – the invitation issued by the Council to potential suppliers to submit a tender for a specific service, works or goods.

**Liquidated Damages** - When the parties to a contract agree to the payment of a certain sum as a fixed and agreed upon satisfaction for not doing certain

things particularly mentioned in the agreement, the sum is called liquidated damages.

**Open Tendering** – This method is used when it is considered cost effective and in the Council's interest to invite tenders from a wide range of potential contractors.

**Partnering** – A method of procurement. A relationship between two parties to a project in which they work openly and jointly to achieve common objectives, with defined performance targets. Partnering may be entered into as a one off project or a collection of projects.

**Partnership** – A Partnership is an agreement between two or more independent bodies to work collectively to achieve an objective.

**Performance Bonds** – Performance bonding is the process by which an Organisation requires a contractor to arrange for the provision of a bond, from a reputable finance institution, to provide the Council with financial compensation in the event of a contractor breaching its contractual obligations or going into receivership or liquidation.

**Pre-Qualification Questionnaire (or PQQ)** – the form of questionnaire approved by the Head of Procurement for completion by contractors who wish to receive an invitation to tender for a particular contract.

**Procurement** - Procurement is the process of obtaining assets or services taking into account the life cycle of the assets or services.

**Procurement Strategy** – The Council has introduced a strategy that provides a framework for more effective procurement aligned with the requirements within the Constitution, namely Standing Orders Relating to Finance and Procurement Standing Orders.

**Quotation** – A request to a supplier for an indicative price for goods or services.

**Special Select List** – A delegated Officer with responsibility for a particular contract may draw up a select list from an existing approved list (eg Constructionline). This may be used in a specialist contract and should include a list of criteria used as a basis for selection and how those criteria have been applied.

**Standing List** - Compiled and maintained by an authorised body, eg, Executive Sub Board Committee for specific categories of works.

**Sub-contractor** – A supplier that provides work or services to a main contractor as part of the contract.

**Tender** - A document used to award the most appropriate contract to the most suitable contractor to the Authority, taking into account the principles of best value.

## **PROCUREMENT STANDING ORDERS**

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## PROCUREMENT STANDING ORDERS

### PART 1 - INTRODUCTION

(Part 1 shall apply to all contracts)

- 1.1 These Standing Orders apply to all contracts and are made under section 135 Local Government Act 1972.

For the purposes of these Standing Orders a contract is an agreement for:-

- The carrying out of works for the Council
- The purchase, leasing, or hiring of goods by the Council
- The supply of services to the Council

Arrangements involving hire purchase, finance leases or operating leases shall only be entered into in accordance with arrangements approved by the Operational Director – Financial Services.

- 1.2 Adequate Budget Provision.

No officers should seek to enter into a contract, or purport to enter into a contract, for the supply of works, goods or services unless there is adequate provision in the appropriate Capital Programme and/or Revenue Budgets.

- 1.3 Grouping of Contracts.

Where during any financial year or term of contract which does not coincide with a financial year, it is likely that the value of works, goods or services will exceed the values stated in these Standing Orders, such works, goods or services must be grouped into a single contract. No officer or Committee or Board of the Council may seek to divide potential contracts in order to avoid the requirements of this Standing Order.

- 1.4 European Commission Public Procurement Rules.

All tendering procedures shall comply with any and all European Commission Public Procurement Rules and no officer or Committee or Board of the Council may seek to avoid them (See Part 6 of these Standing Orders).

- 1.5 Single Quote/Tender Contracts.

Where these Standing Orders provide for a contract to be entered into following direct invitation to only one contractor, a record of the arrangement shall be entered into the appropriate tender register as identified in these Standing Orders.



1.6 Waiver of Procurement Standing Orders.

These Standing Orders may only be waived by the Executive Board/Executive Board Sub-Committee in exceptional circumstances including, but not in any way limited by, the following:-

- (a) where compliance with Standing Orders is not possible (e.g. due to there being only one possible contractor); or
- (b) where compliance with Standing Orders is not practicable for reasons of urgency which could not have reasonably been anticipated; or
- (c) where compliance with Standing Orders would result in a clear financial or commercial detriment to the Council; or
- (d) where compliance with Standing Orders would result in the Council having to forego a clear financial or commercial benefit; or
- (e) where compliance with Standing Orders is not practicable because the Council's requirements can only be delivered by a particular supplier ;or
- (f) where compliance with Standing Orders would be inconsistent with partnership or special external funding arrangements.

In any report seeking waiver of Standing Orders the relevant officer shall indicate the particular Standing Orders proposed to be waived, set out the business case supporting the proposal to waive, indicate how value for money, transparency, propriety and accountability would be achieved despite the waiver and indicate the position of the contract under the Public Contracts Regulations 2006.

The waiver of Standing Orders and the reason(s) for waiver shall be clearly recorded in the minutes of the Executive Board/Executive Board Sub-Committee.

Where certain Standing Orders are waived the relevant officer shall comply with the remaining Standing Orders.

In cases where formal tendering requirements are waived the relevant officer shall as far as is practicable demonstrate that competition, security, propriety and value for money have been achieved.

1.7 Emergency Procedures.

Where urgent action becomes necessary as a result of some unforeseen emergency, the Chief Executive (or in the absence of the Chief Executive, the nominated deputy) may take such action and

these Standing Orders shall be waived in respect of such action. Every use of this Standing Order shall be reported in writing to the next available meeting of the Executive Board Sub-Committee.

1.8 Contracts where the Council act as Agent.

Where the Council acts as the Agent of any other Local Authority or Public Body or company these Standing Orders shall apply unless the Principal in question instructs otherwise in writing.

1.9 Works or Services already subject to Competitive Tendering.

Tenders will not be invited from external contractors when a DLO/DSO of the Council has won, in competitive tender, the right to provide the works, goods or services in question, but tenders must be invited by the DLO/DSO when they propose to sub-contract any element of such work, goods or services.

1.10 Breach of Procurement Standing Orders.

Any breach or non-compliance with these Procurement Standing Orders must on discovery be reported immediately to the Chief Internal Auditor acting on behalf of the Operational Director - Financial Services. The Chief Internal Auditor shall decide whether each reported breach or non-compliance presents a significant risk of harm to the Council's interests and if satisfied that such risk exists shall undertake any necessary investigation and report the findings to the relevant Strategic Director, Operational Director - Financial Services, Council Solicitor and Chief Executive, as appropriate.

1.11 Electronic Tendering.

(a) Electronic systems may be introduced to the whole or any part of the tendering process following the prior written agreement of and in accordance with any requirements of the Operational Director - Financial Services and of the Operational Director – Customer and Exchequer Services in consultation with the Executive Board Member for Corporate Services.

(b) Any electronic system used in the tendering process shall emulate the manual processes prescribed by these Standing Orders.

1.12 Procurement Strategy

All contracts and contractual processes shall comply with the Council's Procurement Strategy.

1.13 Transfer of Undertakings: Service Contracts

- (a) All relevant service contracts and contractual processes shall give effect to the obligations of the Code of Practice on Workforce Matters in Local Authority Service Contracts (ODPM Circular 03/2003).
- (b) All relevant service contracts shall incorporate the Clauses required by the Code of Practice on Workforce Matters in Local Authority Service Contracts (ODPM Circular 03/2003, Annex D).

1.14 Corporate Contracts

Before procuring goods or services, an officer shall ascertain whether any corporate contract has been entered into in relation to those goods or services. Where such a corporate contract exists, the officer may not enter into a separate contract except with the prior written approval of the Head of e-Procurement and Financial Support Services.

1.15 Joint or Partnering Arrangements

- (a) Joint or partnering arrangements between the Council and any other body or bodies shall be subject to the prior approval of the Council Solicitor.
- (b) Where the Council is working in a joint or partnering arrangement with another body or bodies and, under that arrangement, is the commissioning body, Halton Borough Council's Standing Orders shall apply to contracts entered into under that arrangement.
- (c) Where the Council is working in a joint or partnering arrangement with another body or bodies and, under that arrangement, another body is the commissioning body, the Standing Orders of that other body shall apply to contracts entered into under the arrangement. Where the body has no such Standing Orders, the procedures applied by the other body shall comply with the principles and safeguards contained in Halton Borough Council's Standing Orders.
- (d) Where the Council is working in a joint or partnering arrangement with another body or bodies, the documentation for the arrangement shall include powers for the Council to have access to the records of that other body for the purposes of investigating or auditing compliance with the terms of the arrangement and with the relevant procurement rules.

1.16 Framework Agreements

Procurement Standing Orders 2.1 to 2.6, 2.11 to 2.14, 3.1 to 3.7 and 4.1 will not apply where the works, products or services in question are to be procured by using a framework agreement which has itself been procured through compliance with these Standing Orders or from a Central Purchasing Body for the purposes of the Public Contracts Regulations 2006 .

1.17 Where contracts provide for payment to be made by instalments the appropriate Operational Director shall maintain suitable records to show the state of account on each contract.

1.18 Payment to contractors shall be authorised by the Operational Director or, on their behalf, by an authorised certifying officer.

1.19 Variations to a contract shall be authorised in writing by the appropriate Operational Director or on their behalf by an authorised certifying officer.

1.20 In the case of Works contracts a final certificate shall not be issued until the Chief Internal Auditor has, to the extent that it is felt necessary, examined all matters relating to the final account. This examination shall not remove or modify the responsibility of the appropriate officer under the contract.

1.21 In the case of Works contracts where completion of the contract is delayed it shall be the duty of the relevant officer under the contract to take appropriate action in respect of any claim for liquidated damages.

1.22 References to a Performance Bond in these Standing Orders shall be taken to include cash deposits, insurance or such other methods as the Operational Director (Finance) may approve.

1.23 Forfeiture in Case of Bribery etc.

There shall be inserted in every contract a clause empowering the Council to cancel the contract and to recover from the contractor the amount of any loss resulting from such cancellation, if the contractor shall have offered or given or agreed to give to any person any gift or consideration of any kind as an inducement or reward for doing or forbearing to do or for having done or having forborne to do any action in relation to the obtaining or execution of the contract or any person in relation to the contract or any other contract with the Council, or if the like acts shall have been done by any person employed by the contractor or acting on the contractor's behalf (whether with or without the knowledge of the contractor), or if in relation to any contract with the Council the contractor or any person employed by the contractor or acting on the contractor's behalf shall have committed any offences under the Prevention of Corruption Acts, 1889 to 1916, or shall have

given any fee or reward, the receipt of which is an offence under Section 117 of the Local Government Act, 1972.

- 1.24 For all contracts having a value in excess of £50,000 the Operational Director responsible for that contract shall ensure that details of the goods, works or services are placed on the Procurement website.
- 1.25 Contracts having a value not exceeding £100,000 may be placed using the Council's official order form or documented in such other manner as may be agreed by the Council Solicitor and in such circumstances a formal contract may be dispensed with.
- 1.26 The award process and structure of all contracts shall be transparent and non-discriminatory.
- 1.27 All contracts must comply fully with the requirements of Public Contract Regulations 2006.

## **PART 2 - STANDING ORDERS CONCERNING CONTRACTS EXCEEDING £1,000,000 IN VALUE**

(Part 2 shall apply to all contracts exceeding £1,000,000 in value)

### 2.1 Preliminary Estimate Report .

Before entering into a Contract likely to exceed £1,000,000 in value the Executive Board Sub-Committee shall receive from the appropriate Officer a written report on the proposed contract which shall include an estimate in writing of the probable expense of executing the works, goods or services in a suitable manner.

The written report shall specify:-

- (a) The whole life cost of the project, e.g. ongoing revenue costs associated with the project.
- (b) Identification of potential project risks and controls;
- (c) How the project links with departmental and corporate objectives;
- (d) How the contractor is to be selected;
- (e) How the proposed method of procurement fits with the Authority's procurement policy.

Before entering into any contract hire arrangements exceeding 12 months the estimate shall also include details of any implications for the Capital Programme.

2.2 Forms of Tendering.

There are four forms of tendering:

- (a) Open Tendering
- (b) Standard Select Lists
- (c) Special Select Lists
- (d) Standing Lists

Tendering shall be by such of the above methods as the relevant Operational Director shall determine unless the Executive Board Sub-Committee resolves otherwise.

As part of the process of drawing up any select or standing list the relevant Operational Director shall provide the Chief Internal Auditor with details of the contract, its estimated value, names of tenderers and where relevant details of tenders and in each case consult the Chief Internal Auditor on what if any financial checks should be carried out prior to selection of those tenderers to be placed on the select or standing list. This process shall not remove or modify the responsibility of the relevant Operational Director to take such steps as may be reasonably necessary to safeguard the Council's interest.

2.3 Open Tendering.

- (a) This method should be used for contracts involving expenditure of more than £1,000,000 and less than the EC Public Procurement values (See Part 6 of these Standing Orders) when it is in the Council's interest to invite tenders from a wide range of contractors. The Council shall give at least 10 days public notice of its intention to enter into such arrangements.
- (b) Such notice shall be placed in one or more local newspapers circulating in the district and it shall also be placed in one or more appropriate specialist journals.
- (c) The notice shall state the nature and purpose of the proposed contract.
- (d) Every company or person who expresses an interest in response to the notice must be sent full details of the works, goods or services for which tenders are invited together with the closing date for tenders and the Council's requirements as to the form and procedures for submission of tenders.
- (e) Open tendering is not appropriate if:-

- (i) The works, goods or services to be executed/provided are so specialised that only a limited number of contractors are available to execute that type of work or provide that type of goods or services, but in such cases a reasonable number of those contractors shall be invited to submit tenders.
- (ii) There would be no genuine competition.
- (iii) The works are to be executed or goods or services are to be provided, as a matter of urgency, and consent has been obtained of the Chief Executive, or any Officer designated by him for the purpose, to dispense with the requirements of public notice.
- (iv) The goods or materials to be supplied consist of parts of existing machinery or plant.
- (v) Purchases are to be made by auction or made at public fairs or markets.

#### 2.4 Standing Select Lists.

- (a) Public notice shall be given in one or more local newspapers circulating in the district and in one or more newspapers or journals circulating amongst such persons as undertake such contracts setting out particulars of the contract into which the Council wish to enter and inviting persons interested to apply for permission to tender within such period as may be specified in the notice (not being less than 10 days).
- (b) After the expiration of the period specified in the public notice, invitations to tender for the contract shall be sent to not less than 4 of the persons who:
  - (i) applied for permission to tender; and
  - (ii) who are not disqualified by virtue of Standing Order 2.17,

selected in the manner determined by the relevant Operational Director either generally or in relation to a particular contract or category of contracts or, if fewer than 4 persons have applied and are considered suitable, to all such persons.

#### 2.5 Special Select Lists

- (a) In relation to individual contracts any Operational Director with responsibility for a contract the subject matter of which is relevant to a Constructionline list may draw up select or standing list from the Constructionline approved lists:

- (b) Any Operational Director drawing up a select or standing list under Standing Order 2.5(a) shall, for each contract which is the subject of that list:-
  - (i) draw up a list of criteria as the basis for selection and
  - (ii) record in writing how those criteria have been applied.

2.6 Standing Lists.

- (a) This Standing Order shall have effect where the Executive Board Sub-Committee has determined that a list shall be kept of persons to be invited to tender for contracts for the execution of specified categories of works.
- (b) The said list shall:-
  - (i) be compiled and maintained by the Executive Board Sub-Committee;
  - (ii) contain the names of all persons who wish to be included in it and are approved by the Executive Board Sub-Committee; and
  - (iii) indicate whether a person whose name is included in it is approved for contracts for all, or only some of the specified values or amounts or categories.
- (c) At least 4 weeks before the list is first compiled, notices inviting applications for inclusion in it shall be published in one or more local newspapers circulating in the district and in one or more newspapers or journals circulating among such persons as undertake contracts of the specified values or amounts or categories.
- (d) The said list shall be amended as required from time to time and shall be reviewed at least once in every three years. At least 4 weeks before each review each person whose name appears in the list shall be asked whether they wish their name to remain there and notices inviting applications for inclusion in the list shall be published in the manner provided by paragraph (c) of this Standing Order.
- (e) Where by virtue of a decision of the Executive Board Sub-Committee duly authorised in that behalf, invitation to tender for a contract is limited to persons whose names appear on the list maintained under this Standing Order, an invitation to tender for the contract shall be sent to at least 4 of those persons whose names appear in the said list as being approved for a contract



for that value or amount or of that category and who are not disqualified by virtue of Standing Order 2.17 or, if there are fewer than 4 persons, to all such persons. If there are not less than 4 such persons, the persons to whom invitations are sent shall be selected in the manner determined by the Executive Board Sub-Committee either generally or in relation to a particular contract or category of contracts.

AND RENUMBER

2.8 Method of Tendering and Interim Custody of Tenders.

Where in pursuance of these Standing Orders invitation to tender is required every notice of such invitation shall state:-

- (a) That no tender will be considered except in a sealed envelope or label (each to be provided by the Council) which bears the word 'Tender' followed by the subject matter to which it relates and the date, time and place specified for its return and which is addressed to the office of the Chief Executive.
- (b) That no tenders received at the specified place after the fixed date and appointed time shall be considered.
- (c) That tenderers shall not place or cause to be placed any mark on the envelope or package enclosing the tender identifying the tenderer and that no tender enclosed in an envelope or package bearing such a mark shall be opened or considered.

A register of tenders received in pursuance of these Standing Orders shall be maintained by the Chief Executive or an Officer designated by him for that purpose.

Tender envelopes shall remain in the custody of the Chief Executive or other Officer designated by him for the purpose until the time appointed for their opening.

2.9 Closing Date for Receipt of Tenders.

No tenders received at the specified place after the fixed date and appointed time shall be opened or considered.

2.10 Method of Opening Tenders.

Tenders shall be opened at one time and only in the presence of:-

- (a) The Executive Board Member holding the relevant portfolio and having the duty or delegated powers of dealing with the contract

or such Member or Members of the Council specially designated for the purpose by the Council; and

- (b) The Chief Executive or an Officer of the Council designated by him.

#### 2.11 Appraisal of Tenders

- (a) Tenders shall be appraised on a basis to be determined and documented before tenders are invited.
- (b) Tenders shall be appraised on the basis of defined and documented criteria.
- (c) Where criteria are of different value then weightings shall be shown.
- (d) A matrix shall be prepared and completed listing the criteria, showing the weighting of each criterion and the mark achieved by each tenderer in relation to each criterion.
- (e) A marked, dated and signed copy of the matrix shall be promptly forwarded to the Committee Services Manager to be kept with the Tender Register.
- (f) Tenders shall not be appraised unless a copy of the marked, dated and signed matrix has been provided to the Head of Procurement prior to the invitation to Tenderers to hold for record-keeping purposes. This process shall not remove or modify the responsibility of the relevant Operational Director to take such steps as may be reasonably necessary to safeguard the Council's interest.

#### 2.12 Method of Acceptance of Tender.

- (a) Tenders may be accepted by the relevant Operational Director provided that all of the following apply:-
  - (i) three or more tenders have been invited in accordance with standing orders;
  - (ii) the value of the tender proposed to be accepted does not exceed £5,000,000;
  - (iii) the tender proposed to be accepted is the lowest tender.

The Operational Director shall then report to the Executive Board Sub-Committee:

- (i) the fact that the tender has been accepted;
  - (ii) the names of the various tenderers;
  - (iii) the amount of the tender figures;
  - (iv) the amount of the corrected tender figure (if any).
- (b) In all other cases, including cases where the relevant Operational Director uses the discretion not to accept a tender, the Executive Board Sub-Committee shall decide whether or not to accept a tender.

The Executive Board Sub-Committee shall only accept a tender following a report which shall contain:-

- (i) the names of the various tenderers
- (ii) the amount of the tender figures
- (iii) the amount of the corrected tender figure (if any)
- (iv) where a tender other than the lowest is proposed for acceptance, the reasons for the proposed acceptance.

#### 2.13 Acceptance of Tenders other than the Lowest.

It shall be clearly stated in all tender documents that the Council reserves the right:

- (a) to accept a tender other than the lowest
- (b) to decline to accept any tender

#### 2.14 Errors in Tenders.

If before the date of entry into a contract it is discovered that an error has been made in the tender it shall be dealt with as follows:-

- (a) Engineering Contracts – in accordance with the Guidance Notes produced by the ICE Conditions of Contract Standing Joint Committee.
- (b) Building Contracts – in accordance with the National Joint Consultative Committee for building, Alternative 2.
- (c) Non-Construction Contracts – the Tenderer should be given the opportunity of confirming the offer or of amending it to correct genuine and obvious errors. Should they elect to amend their offer and the revised tender is no longer the lowest, the

offer of the firm now lowest should be examined on the basis of the same rules.

The above action by the relevant Council Officer shall take place before the date of entry into a contract.

2.15 Contracts to be in Writing.

- (a) Every contract shall be in writing and shall be the subject of a formal contract prepared or approved by the Council Solicitor which shall specify:-
  - (i) the work, materials, matters, or things to be furnished, had or done;
  - (ii) the price to be paid, with a statement of discount or other deductions; and
  - (iii) the time or times within which the contract is to be performed.
  
- (b) The relevant Operational Director shall consider the need for a liquidated damages clause in each contract after considering the following factors:-
  - (i) potential risk;
  - (ii) known technical difficulties associated with the project;
  - (iii) the tendering procedure used.
  - (iv) the practicality of making a reasonable pre-estimate of loss.
  - (v) the financial status of the contractor(s); and
  - (vi) the period of the contract.
  
- (c) Every contract shall contain a clause requiring the contractor to observe and perform in relation to the work to be carried out under the contract the requirements of the Health & Safety at Work etc. Act 1974 or of any Regulations or Codes of Practice made under the authority of that Act and to comply with any lawful requirements of the Health and Safety Executive in relation to such work; and there shall be reserved to any duly authorised Officer of the Council the right of access to the site for the purpose of ensuring compliance with the requirements of this Clause.

- (d) Every contract with a value exceeding £5,000,000 shall be secured by a performance bond from a suitable financial institution. In the case of contracts with a value between £1M and £5M the relevant Operational Director shall follow the same procedure as that prescribed in Procurement SO 3.9.
- (e) In every contract the contractor shall be required to indemnify the Council against -
  - (i) any claim which may be made in respect of employers' liability against the Council or the contractor by any workmen employed by the contractor or any sub-contractor in the execution of the works or the provision of goods and services;
  - (ii) any claim for bodily injury to or damage to property of third parties;
  - (iii) any claim which may be made under the Health and Safety at Work etc. Act, 1974 against the Council or the contractor unless such claim is substantially due to the neglect of the Council or any of its Officers;

and the contractor shall when required by the Council Solicitor produce satisfactory evidence that they are insured against any such claims.

- (f) Where an appropriate EU Standard is current at the date of the tender, every contract shall require that, as the case may be, all goods and materials used or supplied and all workmanship shall be in accordance with that Standard and in the absence of a relevant EU Standard the contract shall require the application of the relevant British Standard Specification or British Standard Code of Practice issued by the British Standards Institution current at the date of the tender and every contract shall require that, as the case may be, all goods and materials used or supplied and all workmanship shall be in accordance with the relevant Standard.

#### 2.16 Nominated Sub-Contractors and Suppliers.

Where a sub-contractor or supplier is to be nominated to a main contractor, the following provisions shall have effect:-

- (a) Where the estimated amount of the sub-contract or the estimated value of goods to be supplied by the nominated suppliers does not exceed £1,000,000 then unless the Operational Director concerned is of the opinion that it is not reasonably practicable to obtain competitive tenders-

- (i) The Operational Director concerned shall invite not fewer than 3 tenders for the nomination. The terms of the invitation shall require an undertaking by the tenderer that if they are selected they will be willing to enter into a contract with the main contractor on terms which indemnify the main contractor against their own obligations under the main contract in relation to the work or goods included in the sub-contract;
- (ii) the tenders shall be opened at one time and only in the presence of the Operational Director concerned or an Officer designated by the Operational Director and one other Officer;
- (iii) the Operational Director concerned shall maintain a record of all such tenders received;
- (iv) the Operational Director concerned, or an Officer designated by him, shall nominate to the main contractor the person whose tender is, in the opinion of that Director or officer, the most satisfactory one.

Provided that, where the tender is other than the lowest received, or where less than 3 tenders have been received, the circumstances shall be reported to the next meeting of the Executive Board Sub-Committee.

- (b) Where the estimated amount of the sub-contract or the estimated value of goods to be supplied by a nominated supplier exceeds £1,000,000 then unless the Executive Board Sub-Committee determines that it is not reasonably practicable to obtain competitive tenders -
  - (i) tenders for the nomination shall be invited in accordance with the Open Tender, Ad-Hoc Select List, Special Select List or Standing List Procedures as the case may be. The terms of the invitation shall require an undertaking by the tenderer that if selected they will be willing to enter into a contract with the main contractor on terms which indemnify the main contractor against obligations under the main contract in relation to the work or goods included in the sub-contract;
  - (ii) the tenders shall be opened at one time and only in the presence of the Executive Board Member of the appropriate portfolio and the Chief Executive or an Officer designated by the Chief Executive, or the Operational Director concerned, or an Officer designated by the Operational Director;

- (iii) the Operational Director concerned shall maintain a record of all such tenders received;
- (iv) the Operational Director concerned, or an Officer designated by the Operational Director shall nominate to the main contractor the person whose tender is considered the most satisfactory.

Provided that, where the tender is other than the lowest received, or where less than 3 tenders have been received, the circumstances shall be reported to the next meeting of the Executive Board Sub-Committee.

#### 2.17 Unsatisfactory progress

If the Executive Board Sub-Committee is satisfied that a contractor has not carried out the contract in a satisfactory manner, such contractor shall not thereafter for a period of three years be invited to tender, nor be included in a select list, nor, if the said contractor submits a tender in response to public advertisement, shall such tender be considered.

Any such exclusion shall extend to all contracts involving the Council.

#### 2.18 Contract Payments/Settlements

Contract payments/settlements shall be made in accordance with procedures referred to in the Standing Orders relating to Finance

### **PART 3 – CONTRACTS BETWEEN £50,000 AND £1,000,000 IN VALUE**

(Part 3 shall apply to all contracts between £50,000 and £1,000,000)

#### 3.1 Contracts exceeding £50,000 and not exceeding £1,000,000

Where the estimated value or amount of a proposed contract does not exceed £1,000,000 the Operational Director concerned may enter into such contract with such persons as the Operational Director considers competent for the purpose provided that at least three competitive tenders shall have been invited in writing before entering into such contract and the contract awarded to one of the persons who has tendered.

3.2 Where the actual contract price does exceed £1,000,000 or where a tender other than the lowest is accepted, or where fewer than three tenders have been received, the circumstances shall be reported to the Executive Board Sub-Committee for information.

#### 3.3 Method of Tendering and Interim Custody of Tenders

The method of tendering shall be in accordance with the procedures set down in Standing Order 2.8. However, the register of tenders

received shall in this case be maintained by the appropriate Operational Director concerned (or other Officer designated by him) and the Tender envelopes shall remain in the custody of the Operational Director until the time approved for opening.

3.4 Closing date for Receipt of Tenders

No tenders received at the specified place after the fixed date and appointed time shall be opened or considered.

3.5 Method of Opening Tenders

Tenders shall be opened at one time and only in the presence of the Operational Director concerned (or an Officer designated by him) and one other Officer.

3.6 Acceptance of Tenders other than the Lowest

Standing Order 2.13 shall be applied to these contracts

3.7 Errors in Tenders

Any errors shall be dealt with in accordance with Standing Order 2.14.

3.8 Contracts to be in writing

Every contract shall be in writing and with the exception of the Bond requirements contained in Standing Order 2.15 (d) shall include all other requirements contained in Standing Order 2.15.

3.9 Performance Bonds

The relevant Operational Director shall consider the need for a performance bond after assessing the following factors:-

- (i) potential risk in the absence of a bond;
- (ii) known technical difficulties associated with the project;
- (iii) the financial status of the contractor(s);
- (iv) the period of the contract; and
- (v) any costs associated with provision of the bond.

3.10 A copy of the marked, dated and signed matrix has been provided to the Head of Procurement prior to the invitation to Tenderers to hold for record-keeping purposes. This process shall not remove or modify the



responsibility of the relevant Operational Director to take such steps as may be reasonably necessary to safeguard the Council's interest.

#### **PART 4 - CONTRACTS LESS THAN £50,000 IN VALUE**

(Part 4 shall apply to all contracts up to £50,000 in value)

- 4.1 Where the estimated costs of any works, goods or services ordered on behalf of the Council is less than £50,000 then quotations or tenders shall be invited as outlined below:-
- £10,000 or less: quotations are advisable in writing,
  - more than £10,000: three written quotations are required unless the Council Solicitor agrees otherwise.
- 4.2 Where the actual contract price accepted by the Operational Director is other than the lowest the circumstances shall be reported to the Executive Board Sub-Committee for information.
- 4.3 Otherwise the arrangement for these contracts must be in accordance with Standing Orders relating to Finance.

#### **PART 5 – CONTRACTS FOR THE SALE OF ASSETS**

##### **5.1 Disposal of Land**

These Standing Orders shall apply to any disposal of land or of any interest in land where:-

- a decision of the Executive Board/Executive Board Sub-Committee or Officer exercising delegated powers on behalf of the Council so requires
- a rule of law obliges the Council to dispose of land at the best price reasonably obtainable
- such disposal shall be effected by way of tender.

##### **5.2 Disposal of Assets – value not exceeding £50,000**

Sale of assets for less than £50,000 in value shall be dealt with in accordance with Standing Orders relating to Finance.

##### **5.3 Preliminary Estimates of the Price receivable by the Council**

- (a) Before entering into a contract for the disposal of any assets (which term includes scrap materials), the consideration for which is likely to exceed £100,000 the Executive Board/Executive Board Sub-Committee shall receive from the

appropriate Officer a written report on the proposed disposal which shall include an estimate in writing of the probable consideration to be received by the Council.

- (b) Where the estimated value or amount of a proposed contract does not exceed £100,000, the Operational Director concerned shall receive the appropriate written report.

#### 5.4 Requirement of Public Advertisement

- (a) Where the consideration for the disposal of any assets has been estimated at a figure exceeding £100,000 and less than the EC Public Procurement Values the Council shall, before entering into a formal contract, give at least 10 days public notice of its intention to enter into a contract.
- (b) Such notice shall be placed in one or more local newspapers circulating in the district and if the consideration to be received by the Council is likely to exceed £250,000 (it shall also be placed in one or more specified journals or publications circulating amongst such persons, firms or companies as deal in assets of the same type as those to be disposed of by the Council. If the consideration is less than £250,000 a notice may be placed in one or more specified journals if this is considered appropriate.
- (c) The notice shall state the nature and purpose of the proposed Contract; invite tenders for the purchase of the assets to be disposed of, and state the last date when tenders will be received.
- (d) Notice shall not be required if -
  - (i) The goods or materials to be disposed of are so specialised that only a limited number of potential buyers are available but in such cases a reasonable number of those potential buyers shall be invited to submit tenders
  - (ii) There would be no genuine competition (for whatever reason)
  - (iii) Sales are to be by Auction

#### 5.5 Method of Tendering and Interim Custody of Tenders

The method and procedure to be followed is in accordance with Standing Orders 2.8 or 3.3

5.6 Closing Date for the Receipt of Tenders

No tenders received at the specified place after the fixed date and appointed time shall be opened or considered

5.7 Forfeiture in cases of bribery etc.

There shall be inserted in every written contract a clause empowering the Council to cancel the contract and to recover from the contractor the amount of any loss resulting from such cancellation, if the contractor shall have offered or given or agreed to give to any person any gift or consideration of any kind as an inducement or reward for doing or forbearing to do or for having done or foreborne to do any action in relation to the obtaining or execution of the contract or any other contract with the Council, or for showing or forbearing to show favour or disfavour to any person in relation to the contract or any other contract with the Council, or if the like acts shall have been done by any person employed by the contractor or acting on the contractor's behalf (whether with or without the knowledge of the contractor), or if in relation to any contract with the Council the contractor or any person employed by the contractor him or acting on the contractor's behalf shall have committed any offence under the Prevention of Corruption Acts 1889 to 1916, or shall have given any fee or reward, the receipt of which is an offence under Section 117 of the Local Government Act, 1972.

5.8 Method of Opening Tenders

Tenders shall be opened in accordance with Standing Orders 2.10 or 3.5.

5.9 Method of Acceptance of Tenders

The method of acceptance of tenders shall be in accordance with Standing Order 2.12 except that the words 'highest tender' shall be substituted for the words 'lowest tender'.

5.10 Acceptance of Tenders other than the highest

It shall be clearly stated in all tender documents that the Council reserves the right:-

- (a) to accept a tender other than the highest
- (b) to decline to accept any tender

5.11 Errors in Tenders

If before the date of entry into a contract it is discovered that an error has been made in the tender:-

- (a) mathematical errors (e.g. of extension or summation) apparent on the face of the tender shall be corrected by the relevant Council Officer and the tenderer shall be given the opportunity of confirming or withdrawing the tender on the basis of the corrected figures.
- (b) such other errors (e.g. in rates) as may come to the attention of the relevant Council Officer shall be notified to the tenderer who shall be given the opportunity of confirming or withdrawing the tender on the basis of the uncorrected figures stated in the tender.

Where the tenderer elects to withdraw the tender under either (a) or (b) above the next highest tender shall be considered and the same rules shall be applied in considering that tender.

The above action by the relevant Council Officer shall take place before the date of entry into a contract.

#### 5.12 Contracts to be in Writing

Unless the assets to be disposed of are such that the title passes on delivery, every contract shall be in writing in accordance with Standing Order 2.15

### **PART 6 - EUROPEAN UNION PUBLIC PROCUREMENT RULES**

- 6.1 The general approach to EU Directives is set out at Standing Order 1.4.

The following Standing Orders provide guidance to the EU procurement regime as at 31 January 2006 but officers should always check with Legal Services to ensure they are complying with the latest European rules.

- 6.2 Relevant EU Directives have all now been translated into Domestic Law and these deal with Works, Supplies and Services which exceed the relevant thresholds. These are the Public Contracts Regulations 2006 (SI 2006/5). These regulations replace: the Public Works Contracts Regulations 1991 (SI 1991/2680), the Public Supply Contracts Regulations 1995 (SI 1995/201) and the Public Services Contracts Regulations 1993 (SI 1993/3228).

#### 6.3

- 6.4 The Table below sets out a summary of the more important Regulations dealing with Works, Supplies and Services but is not a substitute for the actual text of the Regulations. The Table is designed to give an overview of the rules applicable to the **restricted**

**procedure** (which is the most commonly used in practice). The relevant regulation is identified in brackets.**6.5THRESHOLDS** -The Regulations apply where the estimated contract values exceed thresholds which are fixed for two year periods. From 1<sup>st</sup> January **2006** until 31<sup>st</sup> December **2007** the EC Public Procurement Thresholds are:

Supplies: **£144,459**

Services: **£144,459**

**Works: £3,611,474**

The thresholds relate to the total expenditure to be incurred during the full term of the contract including any optional extension period and not to individual contracts or years of the contract. *N.B. The European Commission reviews the thresholds bi-annually. Contact Legal Services for an update on the new thresholds post-December 2007* (Reg.8)

#### **TECHNICAL SPECIFICATIONS**

- 6.6 European standards must be used whenever available (Reg. 9)

#### **PRIOR INFORMATION NOTICE –**

- 6.7 Required for Works as soon as decision made approving the planning of the Works BUT for Suppliers and Services required after the commencement of each financial year (Reg. 11)

#### **RESTRICTED PROCEDURE**

- 6.8 Advert in Official Journal (Reg.12 (2))
- 6.9 Period for receipt of request to be selected to tender - not less than 37 days (Reg.12(3))
- 6.10 Number of tenderers – if range selected this is between 5 and 20 days – otherwise sufficient number to ensure genuine competition. Reg.12 (6),(7)
- 6.11 Prescribed information must be sent with the tender invitations (Reg. 12(10))
- 6.12 Period for receipt of tenders – not less than 40 days (plus inspection period if necessary) (Reg.12(11))
- 6.13 For Works and Services (but NOT for Supplies) if a Prior Information Notice has been published the period for receipt of tenders may be reduced from 40 days to 26 days (Reg.12(12))

6.14 Information requested by tenderers must be supplied so as to reach them not less than 6 days before date for receipt of tenders. (Reg.12(13))

6.15 If it is impracticable for reasons of urgency to comply with the above minimum periods the 37 day period (para. 6.9 above), may be reduced to 15 days; the 40 or 26 day periods (para. 6.12 and 6.13), as appropriate, may be reduced to 10 days and the 6 day period (para. 6.14) may be reduced to 4 days. (Reg.12(14))

6.16 Following the selection of the tender notice shall be given to all tenderers of the Council's provisional intention to award the contract to the successful tenderer and the contract shall not be finally awarded until 10 days have passed after the giving of that notice (Reg 12 (15))

#### **AWARD CRITERIA -**

6.17 The award criteria are to be either lowest price or most economically advantageous (Reg. 20)

#### **CONTRACT AWARD NOTICE**

6.18 The Contract Award Notice must be sent to the Official Journal no later than 48 days after the award of the Contract (Reg.21)

#### **INFORMATION TO UNSUCCESSFUL CONTRACTORS**

6.19 Information to unsuccessful contractors must be given, with reasons, within 15 days of receiving request. (Reg.22(1))

#### **CONTRACT RECORDS**

6.20 Contract records containing prescribed information must be maintained, copies of which may be demanded by the Commission. (Reg.22 (2),(3))

#### **NON-AWARD NOTICES**

6.21 Decisions not to award a contract must be advertised in the Official Journal. (Reg.22(4))

#### **STATISTICAL REPORTS**

6.22 Statistical reports must be prepared by 31st July in every alternate (odd numbered) year in respect of contracts awarded in the previous year (Reg.28)

#### **PART-EXEMPT SERVICES**

6.23 The following are examples of services that are exempt from **most** of the above procedural requirements even if the contract is above the financial threshold:-

- Hotel and restaurant services
- Transport by rail
- Transport by water
- Supporting and auxiliary transport services
- Legal services
- Personnel placement and supply services
- Investigation and security services, other than armoured car services
- Education and vocational health services
- Health and social services
- Recreational, cultural and sporting services

### **STANDING ORDERS RELATING TO ACCOMMODATION**

- (1) All property, both land and buildings, vests in the Council and not in individual Directorates. The property is managed on behalf of the Council by the Property Services Department.
- (2) Prior to an inception study being undertaken all requests for alterations, extensions and general amendments to the relevant accommodation, should be channelled via the Property Services Department, who will then consult with the Strategic Director – Corporate and Policy and the Corporate Services Portfolio Holder in line with the agreed Accommodation Strategy, for initial action and collation of information. This will ensure that any corporate issues are covered.
- (3) All requests must be in writing and accompanied by a clear view/brief of requirements and a full explanation of the reasons for the request. Sources of funding must be clearly shown as there are no general funds available for additional accommodation needs.
- (4) Property Services will provide assistance by way of feasibility studies to identify space utilisation and procurement costs, for subsequent reporting to Management Team.
- (5) Individual Directorates will be responsible for presenting the feasibility reports on their accommodation requirements and needs to Management Team for consideration, before any further action can be taken.
- (6) On approval from Management Team, projects will proceed to the initial design stage.
- (7) Property Services will then produce an outline programme for the works and tender process.





**STANDING ORDERS  
RELATING TO INFORMATION and COMMUNICATIONS TECHNOLOGY**

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**STANDING ORDERS RELATING TO INFORMATION AND COMMUNICATIONS  
TECHNOLOGY (ICT)**

**1 PURPOSES**

1.1 The purposes of these Standing Orders are: -

To ensure that all of the Council's ICT-related assets (including hardware, systems, programmes, data, information, and standards) are correctly used and adequately protected against accidental or deliberate damage, destruction, or loss.

To ensure that Council Members and employees are aware of and comply with ICT security and confidentiality issues and relevant legal requirements.

To identify individual responsibilities in maintaining appropriate levels of ICT security and ensuring that the confidentiality, accuracy and integrity of Council information is protected from unauthorised access.

- 1.2 All users of the Council's ICT facilities shall comply with all legal requirements including those in the Data Protection Act 1998, Freedom of Information Act 2000, Regulation of Investigatory Powers Act 2000, Copyright, Designs and Patents Act 1988 and the Computer Misuse Act 1990. The law on written communications applies equally to e-mail messages, including the laws relating to defamation, copyright, obscenity, fraudulent misrepresentation, freedom of information and wrongful discrimination.
- 1.3 Breaches of these Standing Orders and of the instructions will be treated very seriously and appropriate action will be taken which may involve individuals in disciplinary proceedings and/or criminal proceedings and removal of access rights.

## **2 RESPONSIBILITIES**

### **2.1 The Operational Director – Information and Communication Technology Services:-**

- is the ICT adviser to the Council and the Management Team and will advise on ICT strategy, policy, technical infrastructure and best practice.
- shall approve and procure all ICT assets and services for the Council and maintain an inventory of such purchases.
- will regularly monitor the usage of software on Council PCs to ensure that it is duly licensed.
- in conjunction with Operational Directors or equivalent ensure that emergency procedures and contingency plans, including the restoration of systems from back-up copies, are fully documented and regularly tested.

### **2.2 The E-government Steering Group shall:-**

- advise on the acquisition and usage of ICT within the Council.
- advise the Operational Director – I&CT Services on the prioritisation of ICT projects and the levels of ICT support services required
- advise and make recommendations to the Management Team on the suitability and cost effectiveness of ICT projects having a total cost exceeding £25,000 or that are considered as having a high strategic impact on the ICT Infrastructure and Services of the Council.

2.3 All **Operational Directors** shall:-

- Ensure that staff are aware of and comply with these Standing Orders and associated guidelines both generally and specifically in relation to security and access.
- Ensure that staff are adequately trained in the use of ICT facilities assigned to them.
- Ensure that all electronic data is accurately maintained and kept up to date.
- Ensure that documented procedures are available for staff involved in the access, use or the operational running of ICT systems within their service area.
- Ensure that appropriate levels of access are assigned to staff to enable them to perform their work function and ensure that these access rights are regularly reviewed, and if appropriate, revoked for staff under suspension, moving from a Directorate or leaving the employ of the Council.
- Ensure the optimum use of ICT systems and facilities within their service through the monitoring of usage.
- Ensure that staff are aware of and comply with all Council health and safety requirements associated with the usage and deployment of ICT facilities.
- Ensure, so far as practicable, that organisations with whom the Council is working in partnership are required by contract to comply with these Standing Orders.
- Ensure that there are documented procedures for the regular back-up of locally stored data and that these procedures comply with the Back Up and Recovery Guidelines on the HBCNet and that back up copies are stored away from the source computers, preferably in a different building.
- Ensure that staff are aware of and comply with the documented back up procedures in place.
- Ensure that, where appropriate, employees are asked to sign confidentiality (non-disclosure) agreements.
- Ensure that formal reporting procedures are established in respect of security incidents and software malfunction and staff are made aware of them.
- Periodically monitor use of the Internet by staff.

**2.4 All Individuals (staff and Members) shall: -**

- Be aware of and comply with these Standing Orders and the associated policies, guidelines and departmental instructions.
- Be responsible for their own actions and the use of the Council ICT hardware and software assigned to them.
- Ensure that they are adequately trained.
- Not divulge passwords to others except with management approval.
- Log-off their PCs if they are leaving their PC unattended for any period unless a screen-saver has been enabled with a suitable time delay and password.
- Not use Council ICT facilities for personal use except with prior written management approval.
- Not add any software or hardware to their equipment without prior approval of ICT Services. (This includes “Free-ware”, “Share-ware” and Screen Savers – any of which may contain viruses or may adversely affect the operation of the software and equipment provided.)
- Not remove any pre-installed software or hardware without prior approval of ICT Services.
- Comply with the Back Up and Recovery Guidelines on the HBCNet.

**3. ACQUISITION POLICY**

- 3.1 All projects with a total value of £25,000, or projects that are considered as having a high strategic impact on the ICT Infrastructure and Services, must be submitted to the E-government Steering Group for approval, prior to entering into any contractual obligation for the acquisition of any ICT software or hardware.
- 3.2 The prior approval of the Operational Director – ICT Services shall be obtained for all ICT purchases prior to entering into any form of contractual obligation for the supply or installation of ICT hardware or software and all ICT acquisitions shall be conducted or managed by ICT Services.
- 3.3 Operational Directors shall obtain approval from ICT Services for the installation and relocation of ICT equipment and assets.
- 3.4 All disposals of ICT hardware or software shall be undertaken by ICT Services subject to compliance with Standing Orders Relating to Finance 7.9 (Disposal of Assets).

**4. ACCEPTABLE USE**

- 4.1 Access to ICT systems and data shall be controlled on the basis of each user’s business needs and responsibilities.
- 4.2 ICT equipment and systems shall only be used for their permitted purpose and in the permitted manner by those who have been duly authorised.

- 4.3 ICT equipment and systems shall only be used for Council purposes unless permitted under the Acceptable Use Policy.
- 4.4 Where permission is given the manager shall monitor the situation and may withdraw the permission at any time if satisfied that the permitted use is adverse to the interests of the Council.
- 4.5 ICT equipment and systems shall not be misused nor shall anyone induce or allow others to misuse such equipment and systems.
- 4.6 Staff shall be aware of and shall comply with documented procedures relating to the usage and operational running of specific ICT systems.
- 4.7 Staff shall familiarise themselves with and shall comply with any Council Health and Safety regulations relating to the use of ICT equipment.
- 4.8 In the event of any conflict between the Acceptable Use Policy and the Standing Orders relating to Information and Communications Technology the Acceptable Use Policy shall prevail.

#### **Passwords**

- 4.9 All systems shall be password protected.
- 4.10 Passwords shall not be disclosed nor shall individuals be permitted access to others' ICT equipment and systems except with the prior approval of the manager. Disclosed passwords must be changed as soon as operationally possible.
- 4.11 Temporary passwords must be changed at first log-on to an application.
- 4.12 Passwords shall be changed at least every 90 days.

#### **E-mail and Internet**

##### ***General Principles***

- 4.13 Use of the Internet by staff and members is permitted and encouraged where such use is for Council purposes and supports the goals and objectives of the Council or otherwise is permitted under the Acceptable Use Policy. The Internet is to be used in a manner that is consistent with the Council's standards of business conduct and as part of the normal execution of an employee's job responsibility.
- 4.14 Corporate "generic" email accounts, Internet IDs and web pages should not be used for anything other than corporate-sanctioned communications.

- 4.15 Use of the Internet/Intranet and E-mail is subject to monitoring for proper use (in accordance with the notice given under the Regulation of Investigatory Powers Act 2000), security and/or network management reasons.
- 4.16 The distribution of any information through the Internet, computer based services, email, and messaging systems is subject to the scrutiny of the Council. The Council reserves the right to determine the suitability of this information.
- 4.17 Users should be aware that the medium of e-mail and the Internet is not a secure environment unless formal encryption methods are employed.
- 4.18 The use of computing resources is subject to UK law and any illegal use will be dealt with appropriately.
- 4.19 Access to e-mail facilities and Internet facilities for a member of staff or Member shall be subject to the divisional manager or equivalent authorised budget holder completing the relevant form authorising access to the facilities. (Available from the ICT Help Desk).
- 4.20 The viewing, sending or storage of any discriminatory, defamatory, offensive, oppressive, obscene or pornographic messages, information or other material is prohibited.

***Internet***

- 4.21 All access to the Internet shall be through the Council's approved Internet Service Provider (ISP) via the Council's network and 'firewall'. Access to any other ISP through a PC not connected to the Council's network is subject to prior written approval by the Operational Director - ICT Services.
- 4.22 Fees can be incurred as a result of the unauthorised downloading of files from the Internet. These will be charged directly to the individual employee or section who downloaded the file.
- 4.23 Managers shall keep records of Internet data access and download fees.

***E-mail***

- 4.24 Users shall not solicit e-mails that are unrelated to business activities (except as permitted under the Acceptable Use Policy) or for personal gain.
- 4.25 Users shall not send or receive any material that is obscene or defamatory or which is intended to annoy, harass or intimidate another person.
- 4.26 Users shall not represent personal opinions as those of the council.
- 4.27 Users shall ensure they do not form a "binding legal contract" by inappropriately wording an email to a third party.

### **Confidentiality**

- 4.28 Users shall not knowingly up-load, access, download, or otherwise transmit unauthorised or pirated material, commercial software or any copyrighted materials belonging to parties outside the Council, or to the Council itself.
- 4.29 Users shall not reveal or publicise confidential or proprietary information, which includes, but is not limited to:- financial information, new business ideas, databases and the information contained therein, customer lists, technical product information, computer software source codes, computer/network access codes, and business relationships.

### **Security**

- 4.30 Users shall not download any software or electronic files without implementing virus protection measures that have been approved by the Council.
- 4.31 Users shall not intentionally interfere with the normal operation of the network, including the propagation of computer viruses and sustained high volume network traffic that substantially hinders others in their use of the network.
- 4.32 Users shall not examine, change or use another person's files, output, or user name for which they do not have explicit authorisation.

### **Data and Back up**

- 4.33 Individuals and managers shall back up data on a regular basis and comply with the documented back up and recovery process and test these processes on a regular basis.
- 4.34 Individuals and managers shall ensure that back up copy data is stored separately and ideally in a different building.
- 4.35 Individuals shall regularly review their data at least every 90 days and shall either archive the data or, if the data is no longer required, shall delete the data.
- 4.36 Individuals shall keep their data accurate and timely.
- 4.37 Individuals shall only keep personal data on their PCs if and to the extent approved by their divisional manager or equivalent.

## **5. SECURITY**

### **Disaster Recovery**

- 5.1 Operational Director – ICT Services in conjunction with other Operational Directors shall have in place plans for disaster recovery for all the Council's systems.



### **Unauthorised Software**

- 5.2 Unauthorised and or unlicensed software shall not be installed on the Council's PCs.
- 5.3 No individual shall make unauthorised copies of software.

### **Intellectual Property**

- 5.4 All intellectual property rights created in connection with Council work whether by employees or contractors are unless otherwise provided by contract the property of the Council and not of the individual employee or contractor.
- 5.5 All information created on or transported over the Council's system is private and confidential to the Council.

### **Monitoring**

- 5.6 All e-mail and internet usage on Council PCs is monitored for, amongst other things, the investigation or detection of unauthorised use and to determine whether messages are business or personal communications.
- 5.7 All material transferred from the Internet to the Council's computers is screened and virus checked by ICT using the Council's dedicated security software.
- 5.8 All e-mail traffic is screened by ICT using the Council's dedicated security software.
- 5.9 Those staff permitted by their managers to use e-mail or the Internet for non-Council purposes should be aware that monitoring takes place to secure the interests of the Council as a publicly accountable body and for the purposes of the Regulation of Investigatory Powers Act 2000 and related legislation.

### **Computer Viruses**

- 5.10 All incoming media and software arriving via the internet is virus-checked by ICT.
- 5.11 Any electronic information brought into the Council must be suitably virus checked.
- 5.12 The use of diskettes or other media of uncertain or unauthorised origin should be avoided.
- 5.13 Incidents of suspected or actual virus infection must immediately be notified to the ICT Services helpdesk.

### **Security of Council Property**

- 5.14 Individuals may only use Council equipment away from Council premises for Council or private purposes with the prior written permission of their manager.
- 5.15 Individuals who have been permitted to use Council ICT equipment away from Council premises shall exercise due care and attention to ensure the safety and security of such equipment.
- 5.16 Individuals shall not leave Council ICT equipment unattended in any vehicle if at all possible.

### **System Security**

- 5.17 All connections to the Council network and access to systems are monitored and any additions to these must be authorised in writing by the Operational Director – ICT Services.
- 5.18 “File Sharing” on PCs is not an acceptable practice due to the risk of propagating viruses. If you require such “File Sharing” facilities please contact the ICT Help Desk, who may be able to offer alternative solutions.
- 5.19 No person shall, without prior written approval from the Operational Director – ICT Services, divulge technical details of the Council’s systems and infrastructure.
- 5.20 Staff shall be make themselves aware of and shall comply with the disclaimers automatically attached to all Internet e-mails.



**STANDING ORDERS  
RELATING TO STAFF**

1. In these standing Orders –  
  
"the 1989 Act" means the Local Government and Housing Act 1989;  
"the 2000 Act" means the Local Government Act 2000;  
"disciplinary action" has the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001;  
"executive" and "executive leader" have the same meaning as in Part II of the 2000 Act;  
"member of staff" means a person appointed to or holding a paid office or employment under the authority; and  
"proper officer" means the Head of Paid Service (or the Monitoring Officer if the Head of Paid Service is unable to act for any reason) for the purposes of the provisions in these Standing Orders.
  
2. Subject to paragraphs 3 and 7, the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the authority must be discharged, on behalf of the authority, by the Head of Paid Service or by an officer nominated by him.
  
3. Paragraph 2 shall not apply to the appointment or dismissal of, or disciplinary action against –
  - (a) the Head of Paid Service;
  - (b) a statutory chief officer within the meaning of section 2(6) of the 1989 Act (politically restricted posts);
  - (c) a non-statutory chief officer within the meaning of section 2(7) of the 1989 Act;
  - (d) a deputy chief officer within the meaning of section 2(8) of the 1989 Act; or
  - (e) a person appointed in pursuance of section 9 of the 1989 Act (assistants for political groups).
  
4. (1) Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the appointment or dismissal of the Head of Paid Service, the authority must approve that appointment before an offer of appointment is made to him or, as the case may be, must approve that dismissal before notice of dismissal is given to him.  
  
(2) Where a committee or a sub-committee of the authority is discharging, on behalf of the authority, the function of the appointment or dismissal of any officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3, at least one member of the executive must be a member of that committee or sub-committee.

5. (1) In this paragraph, "appointor" means, in relation to the appointment of a person as an officer of the authority, the authority or, where a committee, sub-committee or officer is discharging the function of appointment on behalf of the authority, that committee, sub-committee or officer, as the case may be.
- (2) An offer of an appointment as an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3 must not be made by the appointor until –
- (a) the appointor has notified the proper officer of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment;
- (b) the proper officer has notified every member of the executive of the authority of –
- (i) the name of the person to whom the appointor wishes to make the offer;
- (ii) any other particulars relevant to the appointment which the appointor has notified to the proper officer; and
- (iii) the period within which any objection to the making of the offer is to be made by the executive leader on behalf of the executive to the proper officer; and
- (c) either –
- (i) the executive leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the appointor that neither he nor any other member of the executive has any objection to the making of the offer;
- (ii) the proper officer has notified the appointor that no objection was received by him within that period from the executive leader; or
- (iii) the appointor is satisfied that any objection received from the executive leader within that period is not material or is not well-founded.
6. (1) In this paragraph, "dismissor" means, in relation to the dismissal of an officer of the authority, the authority or, where a committee, sub-committee or another officer is discharging the function of dismissal on behalf of the authority, that committee, sub-committee or other officer, as the case may be.
- (2) Notice of the dismissal of an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3 must not be given by the dismissor until –
- (a) the dismissor has notified the proper officer of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;

- (b) the proper officer has notified every member of the executive of the authority of –
  - (i) the name of the person who the dismissor wishes to dismiss;
  - (ii) any other particulars relevant to the dismissal which the dismissor has notified to the proper officer; and
  - (iii) the period within which any objection to the dismissal is to be made by the executive leader on behalf of the executive to the proper officer; and
- (c) either –
  - (i) the executive leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the dismissor that neither he nor any other member of the executive has any objection to the dismissal;
  - (ii) the proper officer has notified the dismissor that no objection was received by him within that period from the executive leader; or
  - (iii) the dismissor is satisfied that any objection received from the executive leader within that period is not material or is not well-founded.
- 7. Nothing in paragraph 2 shall prevent a person from serving as a member of any committee or sub-committee established by the authority to consider an appeal by –
  - (a) another person against any decision relating to the appointment of that other person as a member of staff of the authority; or
  - (b) a member of staff of the authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.
- 8. In paragraph 9, "chief finance officer", "disciplinary action", "head of the authority's paid service" and "monitoring officer", have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001 and "designated independent person" has the same meaning as in regulation 7 of those Regulations.
- 9. No disciplinary action in respect of the head of the authority's paid service, its monitoring officer or its chief finance officer, except action described in paragraph 10, may be taken by the authority, or by a committee, a sub-committee, a joint committee on which the authority is represented or any other person acting on behalf of the authority, other than in accordance with a recommendation in a report made by a designated independent person under regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001 (investigation of alleged misconduct).
- 10. The action mentioned in paragraph 9 is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; and any

such suspension must be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.

## **Officer Employment Procedure Rules**

### **1. Recruitment and appointment**

#### **(a) Declarations**

i) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or officer of the Council; or of the partner of such persons.

ii) No candidate so related to a councillor or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by him/her.

#### **(b) Seeking support for appointment.**

i) Subject to paragraph (iii), the Council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.

ii) Subject to paragraph (iii), no applicant will seek support for any person for any appointment with the Council.

(iii) Nothing in paragraphs (i) and (ii) above will preclude a councillor from giving a written reference for a candidate for submission with an application for appointment

### **2. Recruitment of Head of Paid Service and Chief Officers**

Where the Council proposes to appoint a chief officer, (i.e. a Strategic or Operational Director) and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

#### **(a) draw up a statement specifying:**

i) the duties of the officer concerned; and

ii) any qualifications or qualities to be sought in the person to be appointed;

(b) 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.

(c) make arrangements for a copy of the statement mentioned in paragraph (1) to be sent to any person on request.

### 3. Appointment of Head of Paid Service

(a) The full Council will appoint the Head of Paid Service on recommendation from the Council's Appointments Committee.

(b) The Appointments Committee will consist of the following members:-

Leader of the Council

Deputy Leader of the Council

The Corporate Services Portfolio Holder (or another Portfolio Holder to be selected by the Leader if the Leader considers the nature of a particular post warrants a particular Portfolio Holder)

The Scrutiny Co-ordinator or a Chair of a Policy and Performance Board (to be selected by the Leader of the Council)

Leader of the Liberal Democrat Group

Leader of the Conservative Group

(or their substitute provided that the Committee includes at least one Member of the Executive)

(c) The appointment of the Head of Paid Service may only take place where the requirements of the Council's Standing Orders relating to staff have been observed.

### 4. Appointment of Strategic Directors, Operational Directors, the Council Solicitor, Monitoring Officer, and the Operational Director - Human Resources

(a) The Council's Appointments Committee will appoint all Strategic Directors and Operational Directors, and the Council Solicitor and Monitoring Officer and the Operational Director - Human Resources

(b) The appointment of Strategic Directors and Operational Directors, the Council Solicitor and Monitoring Officer and the Operational Director - Human Resources may only take place where the requirements of the Council's Standing Orders relating to Staff have been observed.

### 5. Other appointments

(a) **Officers below Operational Director.** Appointment of officers below Operational Director (other than assistants to political groups and an assistant to the mayor) is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by councillors.

(b) **Assistants to political groups.** Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

(c) Appointments may only be made where the requirements of the Council's Standing Orders relating to Staff have been observed.



## 6. Disciplinary action

(a) **Suspension.** The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.

(b) **Independent person.** No other disciplinary action may be taken in respect of any of those officers except in accordance with a recommendation in a report made by a designated independent person.

(c) Councillors will not be involved in the disciplinary action against any officer other than those appointed by or on the recommendation of the Appointments Committee except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of disciplinary action.

(d) Disciplinary action against the Head of Paid Service and the Strategic Directors shall be the responsibility of the Council's Appointments Committee.

(e) Disciplinary action may only be taken when the requirements of the Council's Standing Orders relating to Staff have been observed.

## 7. Dismissal

(a) Councillors will not be involved in the dismissal of any officer other than those appointed by/or on the recommendation of the Appointments Committee except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of dismissals.

(b) The decision to dismiss the Head of Paid Service may only be taken by full Council on recommendation from the Appointments Committee

(c) The decision to dismiss the Strategic Directors and Operational Directors and the Council Solicitor and Monitoring Officer and the Operational Director - Human Resources may only be taken by the Appointments Committee

(d) A decision to dismiss an officer from their employment with the Council may only be taken where the requirements of the Council's Standing Orders relating to Staff have been complied with.

## 8. Appointments Committee

(a) The Appointments Committee will have responsibility for all decisions concerning the pay and terms and conditions of the Head of Paid Services, Strategic Directors and Operational Directors and the Council Solicitor and Monitoring Officer and the Operational Director - Human Resources.

(b) The Appointments Committee will have responsibility for all decisions concerning the pay and terms and conditions of all other staff except to the extent such matters are delegated to others in the Council's scheme of delegation.



## Chapter 5

### Codes and Protocols

#### MEMBERS CODE OF CONDUCT

##### PART 1

##### GENERAL PROVISIONS

###### Introduction and interpretation

1. (1) This Code applies to **you** as a member of an authority.
  - (2) You should read this Code together with the general principles prescribed by the Secretary of State.

[Note: the general principles are set out in the Annex to this Code but do not form part of the Code]
  - (3) It is your responsibility to comply with the provisions of this Code.
  - (4) In this Code –
    - “meeting” means any meeting of –
      - (a) the authority;
      - (b) the executive of the authority;
      - (c) any of the authority’s or its executive’s committees, sub-committees, joint committees, joint sub-committees, or area committees;
    - “member” includes a co-opted member and an appointed member.
  - (5) In relation to a parish council, references to an authority’s monitoring officer and an authority’s standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55(12) of the Local Government Act 2000.

###### Scope

2. (1) Subject to sub-paragraphs (2) to (5) you must comply with this Code whenever you –
  - (a) conduct the business of your authority (which in this Code, includes the business of the office to which you are elected or appointed); or
  - (b) act, claim to act or give the impression you are acting as a representative of your authority,and references to your official capacity are construed accordingly.

- (2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.
- (3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2) (c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
- (4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).
- (5) Where you act as a representative of your authority –
  - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
  - (b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

### **General Obligations**

3. (1) You must treat others with respect.
- (2) You must not -
  - (a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);
  - (b) bully any person;
  - (c) intimidate or attempt to intimidate any person who is or is likely to be—
    - (i) a complainant,
    - (ii) a witness, or
    - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
  - (d) do anything which comprises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.
4. You must not -
  - (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where –
    - (i) you have the consent of a person authorised to give it;
    - (ii) you are required by law to do so;
    - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
    - (iv) the disclosure is –
      - (aa) reasonable and in the public interest; and
      - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or

- (b) prevent another person from gaining access to information to which that person is entitled by law.
5. You must not conduct yourself in a manner which could reasonable be regarded as bringing your office or authority into disrepute.
6. You -
- (a) you must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
  - (b) must, when using or authorising the use by others of the resources of your authority -
    - (i) act in accordance with your authority's reasonable requirements;
    - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
  - (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
7. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by –
- (a) your authority's chief finance officer; or
  - (b) your authority's monitoring officer,
- where that officer is acting pursuant to his or her statutory duties.
- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

PART 2

INTERESTS

*Personal Interests*

8. (1) 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 -
      - (aa) exercising functions of a public nature;
      - (bb) directed to charitable purposes; or
      - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
    - (iii) any employment or business carried on by you;
    - (iv) any person or body who employs or has appointed you;
    - (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
    - (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
    - (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
    - (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
    - (ix) any land in your authority's area in which you have a beneficial interest;
    - (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
    - (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
  - (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of –
    - (i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;

- (ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or
  - (iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.
- (2) In sub-paragraph (1) (b), a relevant person is -
- (a) a member of your family or any person with whom you have a close association; 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 sub-paragraph (1) (a) (i) or (ii).

*Disclosure of personal interest*

9. (1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which 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.
- (2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- (3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- (5) Where you have a personal interest but, by virtue of paragraph 14, 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, but need not disclose the sensitive information to the meeting.
- (6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
- (7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.



*Prejudicial interest generally*

10. (1) Subject to sub-paragraph (2) where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where 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) 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 8;
  - (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 8; 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 do not relate particularly to your tenancy or lease;
    - (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.

*Prejudicial interests arising in relation to overview and scrutiny committees*

11. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where –
- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
  - (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

*Effect of prejudicial interest on participation*

12. (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority –
- (a) you must withdraw from the room or chamber where a meeting considering the business is being held -
    - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
    - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;  
unless you have obtained a dispensation from your authority's standards committee;
  - (b) you must not exercise executive functions in relation to that business; and
  - (c) you must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose 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.

PART 3

REGISTRATION OF MEMBERS' INTERESTS

*Registration of members' interests*

13. (1) Subject to paragraph 14, you must, within 28 days of –
- (a) this Code being adopted by or applied to your authority; or
  - (b) your election or appointment to office (where that is later),
- register in your authority's register of members' interest (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.
- (2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

*Sensitive information*

14. (1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.
- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interest.
- (3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

## **Annex**

### **The General Principles**

**Selflessness** – members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person

**Honesty and Integrity** – members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour

**Objectivity** – members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits

**Accountability** – members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office

**Openness** – members should be as open as possible about their actions and those of the authority, and should be prepared to give reasons for those actions

**Personal Judgement** – members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions

**Respect For Others** – members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its employees

**Duty To Uphold The Law** – members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them

**Stewardship** – members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law

**Leadership** – members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence

### **Officers' Code of Conduct**

#### **THE EMPLOYEE CODE**

##### **1. Introduction**

- (a) This Code has been drawn up broadly in line with the Local Government Management Board's draft Code of Conduct.

- (b) The public is entitled to expect the highest standards of conduct from all employees who work for local government and to expect that their conduct should never be influenced by improper motives.
- (c) This Code has been formulated to provide a set of standards of conduct expected of employees at work and the link between that work and their private lives.
- (d) The Code takes into account the requirements of the law and the provisions on official conduct in the appropriate national conditions of service.
- (e) The Code applies to all Council employees. Those employees involved in processing applications for services or resources, licences or statutory consents and those involved in the procurement of goods and services need to pay particular attention to the Code.
- (f) Any alleged breaches of the Code maybe dealt with under the Council's disciplinary procedure.
- (g) If employees are in any doubt about any of the provisions of the Code they should seek advice from their Chief Officer.

## 2. Standards

Employees are expected to give the highest possible standard of service to the public, and where it is part of their duties, to provide appropriate advice to other employees and Members with impartiality. Employees should bring to the attention of the management any deficiency in the provision of service and must report any impropriety or breach of procedure to their senior officer.

## 3. Disclosure of Information

- (a) The law requires that certain types of information must be available to Members, auditors, government departments, service users and the public.
- (b) Under the Local Government Act 1972 the public have a right to see certain information. In most circumstances these rights are related to Committee/Board reports and background documents.
- (c) Employees must not use any information obtained in the course of their employment for personal gain or benefit, or pass it onto others who might use it in such a way.
- (d) Only employees authorised by their Chief Officer to do so may talk to the Press, or otherwise make public statements on behalf of their department. Any employee contacted by the Press should pass it to their senior officer who will in normal circumstances refer the matter to the Corporate Communications Division who will deal with it.

- (e) If employees consider that the non-disclosure of certain information is contrary to the wider public interest, they should advise their Chief Officer or the Chief Executive of the information and the issues concerned.

4. Political Neutrality/Activity

- (a) Employees serve the Council as a whole. It follows, therefore, that they must serve all Members not just Members of any controlling group, and must ensure that the individual rights of all Members are respected.
- (b) Some senior employees will be expected, within the Council's guidelines, to advise political groups. These employees have a duty to advise minority groups as well as the controlling group.
- (c) Some employees, who are normally those in more senior positions, are in politically restricted posts and by law are prevented from taking part in certain political activities outside their work. Employees who are in this position should have been told of this in writing and of the rules for claiming exemption, but any employee who is in any doubt about their position should contact their Chief Officer.
- (d) If an employee is in any doubt about whether an activity is political activity and covered by these rules they should seek advice from their Chief Officer.
- (e) It is important that all employees are aware of their position in terms of political activity because if these statutory provisions are breached this may constitute a breach of the Contract of Employment which may be dealt with under the Council's disciplinary procedure.
- (f) Employees, whether or not politically restricted, must follow every lawful policy of the Council and must not allow their own personal or political opinions to interfere with their work.

5. Relationships

(a) Members

Some employees are required to give advice to Members as part of their job and mutual respect between employees and Members is essential to good local government.

(b) The Local Community and Service Users

Employees must always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within the community.

(c) Contractors

All relationships with contractors or potential contractors must be made known to the appropriate Manager. Orders and contracts must be awarded in line with the Council's financial regulations.

Employees who engage or supervise contractors or have an official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity, must declare that relationship to the appropriate manager.

6. Outside Commitments

- (a) An employee's off-duty hours are their personal concern but they must not place themselves in a position where their employment and private interests conflict. The Council would not wish to preclude employees unreasonably from undertaking additional work unless that work conflicts with or detrimentally affects the Council's interests or in any way weakens public confidence in the conduct of the Council's business, or in any way affects the ability to fulfil the Contract of Employment.
- (b) However, officers above scale 6 are expected to devote the whole of their paid employment work to the Council and must not engage in any other business or take up any other additional appointment for financial gain without the agreement in advance of their Chief Officer.
- (c) If agreement is given employees must be made aware that no outside work of any sort should be undertaken in the workplace and use of facilities, e.g. telephones, photocopying is forbidden. Breach of this provision may result in a disciplinary offence.

7. Personal Interests

- (a) Employees must declare to their line manager, non-financial interests that they consider could bring conflict with the Council's interests (e.g. acting as a school governor within schools maintained by the Council, involvement with an organisation receiving grant aid from the Council, membership of an NHS Trust Board, involvement with an organisation or pressure group which may seek to influence their authority's policies). Membership of a trade union is exempted from this requirement.
- (b) Employees must declare any financial interest, which could conflict with the Council's interests.
- (c) Employees who have an interest, financial or non-financial, should not involve themselves in any decision on allocation of Council services or resources from which they, their friends or family might benefit, and should ensure that the matter is referred immediately to their line manager (e.g. allocation of Council housing or assessment of housing benefit).

8. Equality Issues

Employees have an obligation to ensure that policies relating to equality issues as agreed by the Council are complied with, as well, of course, as the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equity.

9. Separation of Role During Tendering

- (a) Employees should be clear on the separation of client and contractor roles within the Council. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- (b) Employees in contractor or provider units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- (c) Employees who are privy to confidential information on tenders or costs for either internal or external contractors must not disclose that information to any unauthorised party or organisation.
- (d) Employees must ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

10. Corruption

It is a criminal offence for an employee to receive or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in their official capacity. It is for the employee to demonstrate that any such rewards have not been corruptly obtained.

11. Use of financial resources

Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner, ensuring value for money to the local community and avoiding legal challenge to the Council.

12. Gifts and Hospitality

- (a) The Local Government Act 1972 forbids acceptance by any local government officer of any fee or reward other than proper remuneration and contravention of this provision is a criminal offence.
- (b) Officers should be aware of the Prevention of Corruption Act 1916 which states that the giving of any money, gift or consideration to any officer by a person trying to obtain a public contract is deemed to have been given corruptly unless the recipient proves to the contrary.



- (c) The offers of gifts to officers from persons who have or may seek to have dealings with the authority should be viewed with extreme caution. Officers should consider how the acceptance of such a gift would be viewed by a member of the public. Officers are personally liable for all decisions connected with the acceptance of gifts or hospitality and for avoiding the risk of damage to public confidence in local government.
- (d) The only exceptions to this rule are small gifts of nominal value:-
  - given by way of trade advertisements to a wide range of people, e.g. inexpensive calendars, diaries, tape measures and similar articles for use at work.
  - on the conclusion of a courtesy visit, for example to a factory or other premises.
- (e) Any hospitality given or received by officers should be justified as in the public interest. The hospitality given should be on a scale appropriate to the occasion.
- (f) Offers of hospitality must be refused where a suggestion of improper influence is possible. Special care must be taken where hospitality is offered by a person having or seeking business with, or a decision from, the Council.
- (g) Each officer who is offered a gift or hospitality shall, before any action is taken, discuss the offer with his/her line manager, except in the case of gifts or hospitality of a nominal value.
- (h) In the case of the Chief Executive, before any action is taken, he will discuss the offer with the Strategic Director – Corporate and Policy and in his absence with the Monitoring Officer.
- (i) Each Chief Officer shall maintain a gift and hospitality register. This register shall record:-
  - what gift/hospitality was offered and to whom;
  - by whom it was offered;
  - when and with whom the offer was discussed;
  - the decision whether or not to accept the gift/hospitality.
- (j) In the event that it is decided it would be inappropriate to accept the gift/hospitality, the officer to whom it was offered will inform the offeror accordingly, explaining the reasons for refusal.

13. Use of services, etc. of firms dealing with the Council

- (a) If any officer has good reason to believe that any offer of preferential terms is designed to promote a firm's interest in its dealings with the Council, then the offer should be refused and the matter treated as if a gift had been offered. The above Standing Orders would then apply.
- (b) Caution should be exercised by officers using services offered by firms which they know have dealings with the Council. Officers must ensure that goods or services bought from such firms are at a price readily available to the public.

14. Sponsorship - Giving and Receiving

- (a) Where an outside organisation wishes to sponsor or is sought to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
- (b) Where the authority wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest. Similarly where the Council through sponsorship, grant aid, financial or other means, gives support in the community, employees must ensure that impartial advice is given and that there is no conflict of interest involved.

15. Confidentiality

As an Officer of the Council you will occasionally acquire information which has not been made public and is confidential. You should not disclose this information to the public without the express approval of your Chief Officer. You should never disclose any information to personally advance yourself or someone known to you, or to the disadvantage or discredit of the Council or anyone else.

**Protocol on Member/Officer Relations**

**MEMBER/EMPLOYEE INTERFACE CODE**

Working Relationships

1. An effective working relationship between Members and employees is critical to the successful operation of the Council's business. Excellent working relationships between Members and employees are required, both to deliver high quality services to local citizens and to maintain confidence in the machinery of local government in Halton. This section of the Code deals with the Member/Employee interface in general terms; and then refers to the working relationship between Members and senior managers (Chief Officers and others) who formally advise the Council.

2. The formal role and responsibilities of Members and employees have been covered in Sections A and B. They deal primarily with Members' and employees' own separate responsibilities, but the quality of the interface between the two is vital in ensuring the highest ethical standards permeate the Council in both its private and public dealings.
3. Both councillors and officers are servants of the public and they are indispensable to each other, but their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are employed by and are responsible to the Council. Their job is to give advice to councillors and the Council and to carry out the Council's functions under the direction of the Council, its committees and Boards. Care must be taken in relation to close personal familiarity between individual councillors and officers in order to avoid an adverse effect on the relationship between councillors and officers.
4. There should be mutual respect and courtesy in all meetings and contacts, both formal and informal, between Members and officers. Both Members and officers should at all times remain civil, polite and courteous and should not resort to unacceptable levels of behaviour.
5. The Widdicombe report, the National Code of Local Government Conduct, and the Courts all accept that there will be informal contact between party political groups and employees at a senior level, often of a sensitive nature. This section of the Code is designed to provide a framework for contacts between Members and employees, both formal and informal, and to ensure that Members and employees are as clear as they can be as to their roles and responsibilities.
6. There are some specific points which require clarification, these are:-
  - (a) Every appointment of paid local authority employment must be on merit.
  - (b) Senior officers cannot be local authority Councillors or MPs, nor can they "speak or publish written work for the public at large or to a section of the public with the apparent intention of affecting public support for a political party". Such officers are nevertheless able to engage in such activity to "such extent as is necessary for the proper performance of their duties".
  - (c) Employees are employed by the Council, not by Committees or other individual Councillors, and are subject to the Council's employment procedures. Chief Officers and JNC Officers in line with their National Conditions of Service "shall not be required to advise any political group of the Council, either as to the work of the Group or as to the work of the Council, neither shall they be required to attend any meetings of any political groups. This should be without prejudice to any arrangements to the contrary which may be made in agreement with any officer and which includes adequate safeguards to preserve the political neutrality of the officer in relation to the affairs of the Council".

- (d) A similar condition applies to all non-JNC Officers under the Green Book, without the exception in the previous sentence contained under JNC Conditions.
- (e) Normally, only the Chief Officer shall be expected to attend meetings or write reports for a party political group. Subject to the Chief Officer's discretion, other senior employees in his or her department may on occasions be invited to attend or write reports. Neither Officer nor any other officer can be instructed to attend or write reports. This provision covers meetings of or reports to a party political group, or meetings designated for one party. Any reports concerned with potential decision-making to a party political group from a senior officer should be written as if the reports were being prepared for the relevant committee. This would cover reports on such matters as the choices to be made in budgeting, and reflects the reality that the consideration of an issue in the party political group often represents an early stage of the decision-making process. Reports on matters of policy or principle prior to decisions on expenditure need not be so formally drafted.
- (f) The principle in (e) above does not obviate the necessity for regular contact on matters affecting the Council between Chief Officers, other senior officers and the leadership of political groups and on matters affecting Boards and Committees between Chief Officers, other senior officers and Committee Chairs.
- (g) Reports to Boards and Committees should be written by the Chief Officer or another officer authorised by him or her. It is likely that a sensitive report would be discussed with the Chairman at one of the regular meetings held with the Chief Officer, and the Chairman may make suggestions to the Chief Officer as to the contents of the report. However, the report is the officer's, and even if the Chairman or another Board or Committee Member in exceptional circumstances is unhappy with its contents, it should not be amended by the Chairman or another Board or Committee Member, save with the express approval of the Chief Officer. If the Chief Officer's report is not regarded as appropriate by the Chairman then exceptionally the Chairman should write his or her own report in addition to the report submitted by the Chief Officer. In this instance, the Chairman should, under no circumstances, use undue pressure to persuade the Chief Officer to withdraw the original officer report.
- (h) Council decisions can only be made by full Council, Boards or Chief Officers acting under delegated authority. Decisions by party political groups do not constitute Council decisions. Members and officers must accordingly ensure that representations to the Council at any stage in the formal decision-making process with regard to any matter should be made to the appropriate Board or Committee and not to a political group.

#### Control and Content of Board and Committee Agenda

7. The Board or Committee Agenda is the responsibility of the Chairman of each Board or Committee. If Members wish an item to be placed on the Agenda this should be discussed with the relevant Chief Officer and agreed with the Board or Committee Chairman in advance.

### Members' Complaints

8. If Members have a complaint about the conduct of an officer this should, if at all possible, be resolved informally between the officer concerned and the member. If this is not possible, the member should raise the matter with the officer's Chief Officer who will try to resolve the issue. If the member is not satisfied he/she should raise the matter with the Chief Executive.

If an officer has a complaint about a member, this should be raised with the Chief Officer who, will raise this with the Chief Executive, if the matter is not resolved and, if appropriate, he will raise the matter with the Leader and Chief Whip of the member's party.

## **HALTON BOROUGH COUNCIL CONFIDENTIAL REPORTING CODE**

## **HALTON BOROUGH COUNCIL CONFIDENTIAL REPORTING CODE ("WHISTLEBLOWING POLICY")**

### **1. INTRODUCTION**

Employees are often the first to realise that there may be something seriously wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, and others that we deal with, who have serious concerns about any aspect of the Council's work, to come forward and voice those concerns. This includes any issues relating to gender and race, whereby a person suspects discrimination is occurring. It is recognised that most cases will have to proceed on a confidential basis.

This policy document makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. This Confidential Reporting Policy is intended to encourage and enable employees to raise serious concerns within the Council rather than overlooking a problem or 'blowing the whistle' outside.

The policy applies to all employees and those contractors working for the Council on Council premises, for example, agency staff, builders, drivers. It also covers suppliers and those providing services under a contract with the Council in their own premises, for example, care homes.

These procedures are in addition to the Council's complaints procedures and other statutory reporting procedures applying to some Directorates. You are responsible for making service users aware of the existence of these procedures. This policy has been discussed with the relevant trade unions and professional organisations and has their support.

## **2. AIMS OF THIS POLICY**

This policy aims to:

- encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice
- provide avenues for you to raise those concerns and receive feedback on any action taken
- ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied
- reassure you that you will be protected from possible reprisals or victimisation by the Council if you have a reasonable belief that you have made any disclosure in good faith.

This policy

- Is written and circulated to every employee of the Council
- States to whom and what it applies
- Provide for matters to be dealt with quickly
- States that the Council is committed to tackling issues of malpractice
- Ensures that employees know that malpractice will be dealt with seriously
- Has the support of Trade Unions
- States who will deal with allegations and how they will be dealt with
- Reminds employees that they can seek the help of their Union or professional body
- Aims to ensure the confidentiality of any allegations and actions taken, as far as is reasonably practicable

- Ensures that allegations and responses to them are properly recorded
- Sets out the relationship between the Policy and other Council procedures
- Can be independent of line management if necessary.

The Policy of Conduct for Local Government Employees states that

*“ Employees will be expected through agreed procedures and without fear of recrimination to bring to the attention of the appropriate level of management any deficiency in the provision of service. Employees must report to the appropriate manager any impropriety or breach of procedure.”*

This Policy supports that statement.

### **3. SCOPE OF THIS POLICY**

There are existing procedures in place to enable you to lodge a grievance relating to your own employment. The Confidential Reporting Policy is intended to cover major concerns that fall outside the scope of other procedures, and this policy does not replace the Corporate Complaints Policy. Thus, any serious concerns that you have about any aspect of service provision or the conduct of officers or members of the Council or others acting on behalf of the Council can be reported under the Confidential Reporting Policy. An employee's concerns may in this context relate to the the following matters, or a reasonable belief that one or more of the following has occurred or is likely to occur:

- actions or behaviour that makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Council subscribes to; or
- is against the Council's Standing Orders and policies; or
- falls below established standards of practice; or
- amounts to improper conduct; or
- Conduct which is a criminal offence or a breach of the law; or
- Disclosures related to miscarriages of justice; or
- Dangerous procedures risking health and safety, including risks to the public, service users and to other employees; or
- Damage to the environment; or
- The unauthorised use of public funds; or

- Fraud and corruption; or
- Sexual or physical abuse of service users; or
- Other unethical conduct.

This list is not meant to be exhaustive but gives examples of malpractice. The overriding concern for the employer and employee should be that it would be in the public interest for the malpractice to be corrected and if appropriate sanctions taken.

**Thus any serious concern that an employee has about any aspect of service provision or the conduct of officers or members of the Directorate or others acting on behalf of the Directorate can be reported under this Policy.**

#### **4. SAFEGUARDS AGAINST HARRASSMENT OR VICTIMISATION**

- i. The Council is committed to good practice and high standards and wants to be supportive of employees.
- ii. The Council recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, or your suspicion reasonable, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.
- iii. The Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith.
- iv. Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

#### **5. CONFIDENTIALITY**

All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.

**The employee disclosing a concern should ensure that they only inform the person identified in part 8 below. Other than that the employee is required to keep the matter disclosed confidential.**

The person to whom the matter is disclosed will treat it confidentially, as far as is reasonably practicable.

It is stated explicitly here that if the procedure used requires disclosure to other people, then the employee who disclosed this should be informed.

If the matter cannot be resolved locally by the person to whom it is reported, it may be necessary to inform other people of the concern raised. These people



should only be those required to know under whatever procedure the matter progresses.

If a hearing is needed, either by law, or under a Council procedure, the employee disclosing the concern may be required to give evidence.

It is not possible to remain anonymous under this procedure, but the safeguards stated here are aimed at protecting all those involved in reporting, investigating and being suspected of wrongdoing.

## **6. ANONYMOUS ALLEGATIONS**

- i. This policy encourages you to put your name to your allegation whenever possible.
- ii. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council.
- iii. In exercising this discretion the factors to be taken into account would include:
  - the seriousness of the issues raised;
  - the credibility of the concern; and
  - the likelihood of confirming the allegation from attributable sources.

## **7. UNTRUE ALLEGATIONS**

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

## **8. HOW TO RAISE A CONCERN**

- i. As a first step, you should normally raise concerns with your immediate manager or their superior. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that management is involved, you should approach the Chief Executive, Monitoring Officer (i.e. the Council Solicitor), Strategic Director - Corporate and Policy, Internal Audit or any specialist units the Council may have established (for example an Anti-Fraud Team or a complaints 'hot-line').
- ii. Concerns may be raised orally or in writing. Staff who wish to make a written report are invited to use the following format:
  - the background and history of the concern (giving relevant dates);
  - the reason why you are particularly concerned about the situation.
- iii. The earlier you express the concern the easier it is to take action.

- iv. Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.
- v. Advice/guidance on how to pursue matters of concern may be obtained from:
  - Chief Executive
  - Monitoring Officer
  - Strategic Director - Corporate and Policy
  - Chief Internal Auditor
  - Chair of the Standards Committee (who can be contacted by a letter addressed to the Chair of the Standards Committee and sent to the Municipal Building, Kingsway, Widnes, WA8 7QF)
  - You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.
- vi. You may invite your trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.

## **9. HOW THE COUNCIL WILL RESPOND**

- i. The Council will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.
- ii. Where appropriate, the matters raised may be:
  - Investigated by management
  - Investigated by internal audit
  - Progressed through the disciplinary process
  - Referred to the Police
  - Referred to the external auditor
  - The subject of an independent enquiry
  - Dealt with via any other appropriate procedure for example, child protection, abuse of vulnerable adults procedure.
- iii. In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the Council will have in mind is the public

interest. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.

- iv. If someone is suspended, the person reporting under this policy will be informed.
- v. Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.
- vi. Within five working days of a concern being raised, the Chief Executive (or other officer appointed to deal with the matter) will write to you:
  - acknowledging that the concern has been received
  - indicating how we propose to deal with the matter
  - giving an estimate of how long it will take to provide a full response
  - telling you whether any initial enquiries have been made
  - supplying you with information on staff support mechanisms, and
  - telling you whether further investigations will take place and if not, why not.
- vii. The amount of contact between you and the officers considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Council will seek further information from you.
- viii. Where any meeting is arranged, off-site if you so wish, you can be accompanied by a union or professional association representative or a friend.
- ix. The Council will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the Council will arrange for you to receive advice about the procedure.
- x. The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

## **10. THE RESPONSIBLE OFFICER**

The Chief Executive has overall responsibility for the maintenance and operation of this policy. That officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Council.

## **11. HOW THE MATTER CAN BE TAKEN FURTHER**

- i. This policy is intended to provide you with an avenue within the Council to raise concerns. The Council hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the Council, the following are possible contact points:
  - the Chair of the Standards Committee
  - the external auditor
  - your trade union
  - your local Citizens' Advice Bureau
  - relevant professional bodies or regulatory organisations (eg for adult and children's social care services, the Commission for Social Care Inspection (tel. 020 7979 2000))
  - a relevant voluntary organisation (e.g. For Children's Services – The Children's Society (tel. 020 7841 4400))
  - the police.
- ii. If you do take the matter outside the Council, you should ensure that you do not disclose confidential information. Check with the contact point about that.

## **ANTI-FRAUD AND ANTI-CORRUPTION STRATEGY**

### **1. Policy Statement**

- 1.1 Halton Borough Council, in managing its responsibilities as a public authority, is determined to ensure probity and accountability in all matters.
- 1.2 The Council will not tolerate any forms of fraud and corruption from within the Council, from external organisations, or from individuals.
- 1.3 The Council is committed to an anti-fraud and anti-corruption strategy designed to develop a corporate culture that:
  - encourages fraud deterrence and prevention;
  - promotes detection;
  - ensures effective investigation where suspected fraud or corruption has occurred.
- 1.4 This strategy is written for the benefit of employees, elected Members and the public. Organisations and businesses dealing with the Council are also expected to act with integrity.

### **2. Elements of the Anti-Fraud and Anti-Corruption Strategy**

- 2.1 The Council's Anti-Fraud and Anti-Corruption Strategy is based on a series of comprehensive and related elements designed to deter any fraud or corrupt act. These elements are:

- Culture
- Prevention
- Detection
- Training

### 3. **Culture**

- 3.1 The Council is determined that the culture of the organisation is one which promotes honesty and opposition to fraud and corruption, and does not permit fraud or corruption to be tolerated or perpetuated.
- 3.2 The Council expects Members and employees to lead by example in ensuring opposition to fraud and corruption by ensuring adherence to all Council regulations, procedures, practices and Codes of Conduct. The Council also expects individuals and organisations with whom it deals in any capacity to act with integrity and without intent to commit fraud or corruption.
- 3.3 Council employees, elected Members and the public are important elements in the stance against fraud and corruption and are positively encouraged to raise any concerns they may have on issues relating to Council activities. This may be done through the **Authority's Confidential Reporting Code** or by phoning the **Fraud Hotline on 08000 345 995**.
- 3.4 Where appropriate, the Council will co-operate with other organisations, agencies and local authorities in the prevention, detection and investigation of fraud and corruption.

### 4. **Prevention**

- 4.1 The adoption of proper and adequate measures to prevent fraud and corruption are the responsibility of Members and Management. Preventative measures can be classified under two broad headings - Codes/Procedures and Systems:

#### Codes and Procedures

- (i) The Council's Constitution sets out a framework for dealing with the affairs of the Council and all Members and employees have a duty to adhere with its provisions.
- (ii) The Council's employees are expected to abide by the National and Local Conditions of Service relating to their employment which include conduct issues and also are expected to follow any Code of Conduct related to their personal professional qualifications.
- (iii) Council Members are required to comply with the National Code of Local Government Conduct which provides guidance to members on

recommended standards of conduct in carrying out their duties and in their relationships with the Council and the Council's officers.

- (iv) All Members and employees are required to declare any offer or receipt of gifts or hospitality which are in any way related to their employment by or membership of the Council. A register is maintained of all declarations.

### Systems

- (v) Managers are responsible for ensuring that adequate controls exist within all financial and operational systems and that employees are adequately trained in operating systems and procedures. The system of internal control provides a framework for ensuring that assets are safeguarded, transactions are properly authorised, duties are segregated, and material errors or irregularities are prevented or detected.

## **5. Detection**

5.1 Detection of fraud and corruption may arise through a number of sources. It is therefore important that all of these are recognised and taken seriously:

- (i) **Internal Controls.** Well designed and properly operated controls should provide indicators of any fraudulent activity.
- (ii) **Budgetary Control.** Effective budgetary control can provide a useful indicator to managers of potential fraud or corruption, e.g. evidence of unusual spending patterns or shortfalls in expected income.
- (iii) **Complaints.** The recording and follow up of complaints, especially from service users, may help identify evidence of fraud or corruption.
- (iv) **Whistleblowing.** Information received from concerned third parties under the Authority's Confidential Reporting Code may provide evidence of fraud and corruption.
- (v) **Information From Other Public Bodies.** This may take the form of specific individual referrals or by the Council taking part in national schemes such as the National Fraud Initiative run by the Audit Commission.
- (vi) **Reviews by Internal and External Audit.** Work undertaken by Internal and External Audit may disclose evidence of fraud and corruption.

5.2 Employees are required by Financial Regulations to report all suspected irregularities to Internal Audit either directly or through line management. This ensures the consistent treatment of information regarding fraud and corruption and facilitates proper investigation by experienced personnel.

5.3 The detailed arrangements for the investigation of any suspected fraud or irregularity are contained in the Authority's **Fraud Response Plan**.

## **6. Training**

- 6.1 The Council recognises that an important aspect of its Anti-Fraud and Corruption Strategy is the general awareness and responsiveness of employees throughout the Council.
- 6.2 To facilitate this the Council supports continuous training for all Members and employees involved in internal control systems to ensure their duties and responsibilities in this respect are regularly highlighted and reinforced.
- 6.3 Investigation of fraud and corruption usually involves the Council's Internal Audit Division whose skills base in investigative techniques is maintained by appropriate training.

## **7. Review Arrangements**

- 7.1 The Council has in place a clear network of systems and procedures to prevent fraud and corruption. It is mindful that these arrangements need to keep pace with developments in prevention and detection of fraudulent or corrupt activity. To this end it requires a continuous review of all arrangements, and particularly, an annual review of Standing Orders and Financial Regulations
- 7.2 This Strategy is subject to the same regular review.

# **FRAUD RESPONSE PLAN**

## **1. Introduction**

- 1.1 Halton Borough Council is committed to the highest possible standards of propriety and accountability in all its affairs. It is determined to develop a culture of honesty and opposition to fraud and corruption.
- 1.2 In line with this commitment, the Council's Anti-Fraud and Anti-Corruption Strategy outlines the principles we are committed to in relation to preventing, reporting and managing fraud and corruption.
- 1.3 This Fraud Response Plan reinforces the Authority's approach by:
- defining the types of activity that would require the implementation of this plan;
  - setting out how employees or members of the public can voice their concerns about suspected fraud and corruption;
  - outlining how the Council will deal with such complaints.
- 1.4 This document is one of a series that collectively constitute the policies of the Authority in relation to anti-fraud and anti-corruption. The other documents are:

- Anti-Fraud and Anti-Corruption Strategy;
- Confidential Reporting Code.

## 2. **Defining Fraud and Corruption**

- 2.1 The Fraud Response Plan is intended to be implemented where suspicions of fraud or corruption have been raised:

*Fraud* is defined as:

**‘The intentional distortion of financial statements or other records by persons internal or external to the Authority which is carried out to conceal the misappropriation of assets or otherwise for gain’.**

*Corruption* is defined as:

**‘The offering, giving, soliciting or acceptance of an inducement or reward, which may influence the action of any person’.**

- 2.2 Fraudulent or corrupt acts may therefore include:

Financial Issues i.e. where individuals or organisations fraudulently obtain money from the Council, (e.g. Housing Benefit fraud)

Asset Issues i.e. where Council assets are misappropriated or used for personal use, (e.g. theft of Council equipment or materials)

Accounting Issues i.e. where employees falsify or alter accounting or other documents, (e.g. unauthorised amendment of timesheets)

Other Issues i.e. activities undertaken by Officers or Members which may:

- be unlawful,
- contravene Standing Orders or Authority policies,
- fall below established standards or practices,
- amount to improper conduct.

- 2.3 This is not an exhaustive list. If you are in any doubt about the seriousness of your concern, advice and guidance can be obtained from the Chief Internal Auditor on 0151-471-7354 (or ext. 2013).

## 3. **Reporting suspected fraud and corruption**



3.1 The Authority's Constitution requires that:

***'any officer shall immediately report to the Chief Internal Auditor, either directly or through line management, any circumstances which suggest the possibility of financial irregularity or loss. The circumstances will be outlined to the Strategic Director – Corporate and Policy and Chief Executive to decide what action is necessary by way of investigation and report'.***

3.2 The Council's Confidential Reporting Code (available on the intranet) is intended to encourage and enable employees to raise serious concerns within the Council. This policy document makes it clear that concerns may be raised without fear of victimisation, subsequent discrimination or disadvantage. The policy applies to all employees and those contractors working for the Council on Council premises, e.g. agency staff, builders, drivers. It also covers suppliers and those providing services under a contract with the Council in their own premises, e.g. care homes.

3.3 The Council's Confidential Reporting Code provides details as to how concerns of fraud or corruption may be reported:

- employees may raise the issue with their immediate manager or supervisor, or refer it directly to the Chief Executive, Monitoring Officer, Strategic Director - Corporate and Policy or Chief Internal Auditor;
- both employees and the general public may telephone the Confidential Fraud Hotline on 08000 345 995 (24 hour service).

#### **4. Investigating suspected fraud and corruption**

4.1 Investigation of suspected or alleged Benefit fraud is undertaken by the Benefits Investigation Team in the Revenues and Benefits Division.

4.2 For non-Benefit related matters, the decision as to whether or not an investigation is warranted will be made by the Operational Director – Financial Services and/or Chief Executive in accordance with Standing Orders.

4.3 The action taken by the Council will depend on the nature of the concern. The matter raised may be:

- investigated internally;
- referred directly to the Police.

4.4 All internal investigations will normally be led by Internal Audit, although each case will be judged on its merit. The purposes of any investigation shall be to:

- establish the facts of any suspected fraud in order to inform decisions regarding further action;
- clear innocent persons of any suspicion;
- enable the recovery of losses;

- improve systems and controls to prevent and deter fraud and corruption in the future.
- 4.5 Investigations will be assigned to a lead officer who is suitably qualified and experienced. The officer will ensure that the investigation is conducted impartially and objectively, and will, as appropriate:
- determine and plan the resources needed for the investigation;
  - carry out the investigation in a timely manner ensuring that all allegations are properly investigated and reported on;
  - comply with all relevant statutory requirements, codes of practice, and the ethical standards of relevant professional bodies;
  - ensure that the identity of the person raising the concern is protected wherever possible;
  - ensure that all evidence obtained is properly recorded and retained securely;
  - liaise as appropriate with the Operational Director - Human Resources, Council Solicitor, Insurance Manager, the Police or other relevant agencies;
  - assist management in implementing the Council's disciplinary procedures;
  - advise management in implementing improved procedures where necessary.
- 4.6 Where an investigation requires 'directed surveillance' or uses a 'covert human intelligence source', the investigating officer(s) must ensure that the investigation is undertaken in accordance with the Authority's RIPA policy. Any such surveillance may only be undertaken after the appropriate authorisation has been obtained by an officer with delegated powers under the policy.
- 4.7 At the conclusion of the investigation, the investigating officer(s) will produce a report setting out all of the facts relating to the case. The report shall be submitted to the Strategic Director – Corporate and Policy, Operational Director – Financial Services, the Chief Executive and to the relevant Strategic Director, to determine how the matter should be progressed to resolution.

## **5. Recovery and Sanctions**

- 5.1 Where an investigation indicates fraud or corruption, the Council will seek to:
- recover losses wherever appropriate, **and**
  - refer cases to the Police to independently prosecute offenders (this decision is a matter for the Strategic Director – Corporate and Policy, Operational Director – Financial Services and the Chief Executive).
- 5.2 The Council's disciplinary procedures will be used where the outcome of an investigation indicates improper behaviour. This may be in addition to any other recovery action or sanctions. Referral to the Police will not prohibit action under the disciplinary procedure.

## **6. Review of the Fraud Response Plan**

- 6.1 This Fraud Response Plan will be reviewed and updated annually in the light of new legislative and professional developments.



## Chapter 6

### SCHEME OF MEMBERS' ALLOWANCES

This scheme of members' allowances has been set by the Council having regard to a report of an Independent Panel made up of non Councillors. This scheme will come into effect on the 18<sup>th</sup> December 2003 and continue in force for the remainder of the financial year 2003/04 and for the subsequent three financial years (or until amended by the Council if sooner).

#### 1. Basic Allowance

The following basic allowance shall be paid to each member of the authority to cover Councillors' incidental expenses such as heating, lighting, telephone, stationery and postage:

**£7,527 per annum** (as at May 2006)

Where a Councillor's term of office begins or ends part way through the year to which the allowance relates the amount of the basic allowance shall be reduced pro rata.

#### 2. Special Responsibility Allowances

These allowances are paid to reflect the additional work involved in undertaking certain roles and taking on additional responsibilities under the Council's Constitution. The Special Responsibility Allowances are as follows:

<b>Position</b>	<b><u>SRA 2003</u></b>	<b><i>Limitations</i></b>	<b>SRA 2006</b>
Leader	£17,823		£19,410
Deputy Leader	£12,120	To a maximum of 68% of the Leader's SRA	£13,200
Executive Board Members	£9,981	To a maximum of 56% of the Leader's SRA	£10,872
Chairs – Boards & Committees	£6,000	To a maximum of 33% of the Leader's SRA	£6,465
Vice Chairs – Boards & Committees	£3,000	50% of the Chair's SRA	£3,234
Leader of Principal Opposition	£6,000	Equal to that of the Chair's SRA	£6,465
Scrutiny Co-Ordinator	£6,000	Equal to that of the Chair's SRA	£6,465

Special Responsibility Allowances are paid in addition to Basic Allowance. No Member is paid more than one Special Responsibility Allowance at any one time

and, in the event that a Member undertakes more than one Special Responsibility at a time, then the higher/highest Allowance will be paid.

Where a Councillor does not hold the role giving rise to the entitlement to the Special Responsibility Allowance for the full year to which the allowance relates, the amount of the Special Responsibility Allowance shall be reduced pro rata.

(NB The Mayor will receive an allowance equivalent to the SRA of a member of the Executive Board. The Deputy Mayor will receive an allowance equivalent to 50% of the SRA of a member of the Executive Board. These allowances are not part of the scheme: this information is for completeness only.)

### **3. Child Care and Dependent Carer's Allowance**

A Child Care and Dependent Carer's Allowance shall be payable based upon reimbursement of actual receipted costs subject to prior agreement with the Strategic Director - Corporate and Policy. The allowance is payable to any Member who incurs expenditure in respect of child or dependant relative care whilst undertaking the approved duties specified in paragraph 14 of this scheme.

### **4. Travel and Subsistence Allowances**

Travel and subsistence allowances are payable for the approved duties set out in paragraph 14 of this scheme. Members are entitled to reimbursement of the full costs incurred (on production of the relevant receipts) subject to the following limits:

#### **Car Mileage**

Engine size	Up to 999cc	1000cc to 1199cc	1200cc and over
Pence per mile	34.6	39.5	48.5

#### **Motorcycle Mileage**

Engine size	Up to 149cc	150cc to 499cc	500cc and over
Pence per mile	8.5	12.3	16.5

#### **Subsistence Allowances**

Breakfast	Lunch	Tea	Evening Meal
£4.92	£6.77	£2.67	£8.38

#### **Overnight Accommodation**

Outside London	£79.82 per night
Inside London	£91.04 per night

#### **Cycle Allowance**

Members to be entitled to a mileage allowance equivalent to that payable to officers for use of a cycle in carrying out approved duties.

### **Public Transport**

Reimbursement of full cost on payment of receipts (subject to air and rail travel being booked through the authority).

The Strategic Director – Corporate and Policy may authorise re-imburement at a higher rate for overnight accommodation and subsistence where it is not reasonably practicable for the member to keep costs incurred to the allowances set.

In respect of overseas travel, members may claim reimbursement for all expenditure reasonably incurred in respect of duties outside the country provided that the travel has been approved in advance by the Strategic Director - Corporate and Policy.

The Strategic Director - Corporate and Policy may make an advance to a member in respect of the likely costs of travel and subsistence where he considers it appropriate, subject to any advance being deducted prior to payment of any subsequent claims. (Except as varied above, the additional rules approved by the Standards Committee for Members' Travel and Subsistence Payments remain in effect.)

### **5. Co-Optees**

Any co-optees, as permitted by the Council's constitution, shall be entitled to claim Travel and Subsistence and Child Care and Dependent Carer's Allowances on the same basis as any Member of the Council

### **6. Pensions**

All members of the Council who qualify for admission to the local government pension scheme shall be eligible to join the scheme and both Basic Allowance and Special Responsibility Allowance shall be treated as amounts in respect of which pensions are payable.

### **7. Annual Increase**

The allowances in this scheme shall be increased each year by the same percentage increase (or increases) as the NJC pay award for Local government employees. Where different increases are awarded to different sections of the NJC workforce the percentage increase applicable at spinal column 29 shall apply. Any increase in Basic and Special Responsibility Allowances shall apply from the same date as the pay award is to take effect, and increases shall be backdated if necessary. As regards any increase in Travelling and Subsistence Allowance, these shall take effect as from the date on which the pay award is formally agreed.

## **8. Withholding of Allowances**

Where a Member is suspended, or partially suspended, from their responsibilities or duties as a Member of the Council in accordance with Part III of the Local Government Act 2000, or regulations made thereunder, that part of any

- ❑ Basic Allowance
- ❑ Special Responsibility Allowance
- ❑ Travel and Substance Allowance

payable under this scheme in respect of the duties or responsibilities from which the member is suspended may be withheld by the Council.

## **9. Payment of Allowances**

Basic Allowance and Special Responsibility Allowance will be paid in 12 monthly instalments on the 20th of each month direct to a bank account. Other allowances will similarly be paid on the 20th of each month direct to a bank account subject to the relevant claims being submitted and approved in accordance with such procedures as may be set down by the Strategic Director – Corporate and Policy.

## **10. Repayment of Allowances**

Where payment of any allowance has already been made in respect of any period during which the member concerned is

- (a) suspended or partially suspended from their responsibilities or duties as a member of the authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part;
- (b) ceases to be a member of the authority; or
- (c) is in any other way not entitled to receive the allowance in respect of that period,

the Council may require that such part of the allowance as relates to any such period be repaid to the Council.

## **11. Renunciation**

Members may elect to forego any part of their entitlement to an allowance under this Scheme by giving notice in writing to the Strategic Director - Corporate and Policy.

## **12. Multiple Authorities**

Where a member of the Council is also a member of another authority, that member may not receive allowances from more than one authority in respect of the same duties.



### **13. Time limit for Claims**

Claims for the following allowances:

- (a) Child Care and Dependant Carer's Allowance;
- (b) Travelling and Subsistence Allowance

must be made by the person to whom they are payable within one month of the end of the month in which the entitlement to the allowance arose. In the event that a claim is not made within this time limit the Strategic Director - Corporate and Policy shall have absolute discretion as to whether to pay the claim.

### **14. Approved Duties**

The following duties are specified as approved duties for the purpose of Travel and Subsistence Allowances and Child Care and Dependent Carer's Allowance:

1. Any meeting of the Council, Executive Board or other Board, Committee or Sub-Committee meeting.
2. Any meeting of a Working Group, or Panel appointed by a Board or Committee.
3. Any formal meeting with other local authorities.
4. Meetings with Council officers on official business.
5. Training courses and seminars organised by the Council.
6. All meetings where Members are appointed as representatives of the Council on Outside Bodies excluding School Governing Bodies.
7. All meetings, seminars and events attended by the member where the member's attendance is organised, requested or arranged by the Council.
8. Meetings of Area Forums.
9. The carrying out of any other duty approved by the Chief Executive of the Authority, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the authority or of any of its Boards or Committees.

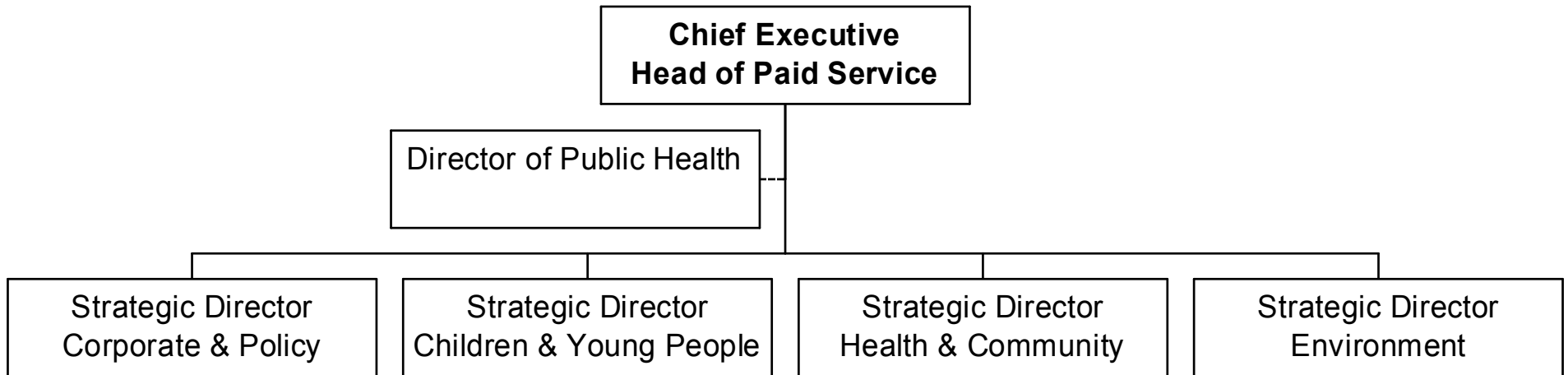


**CHAPTER 7**

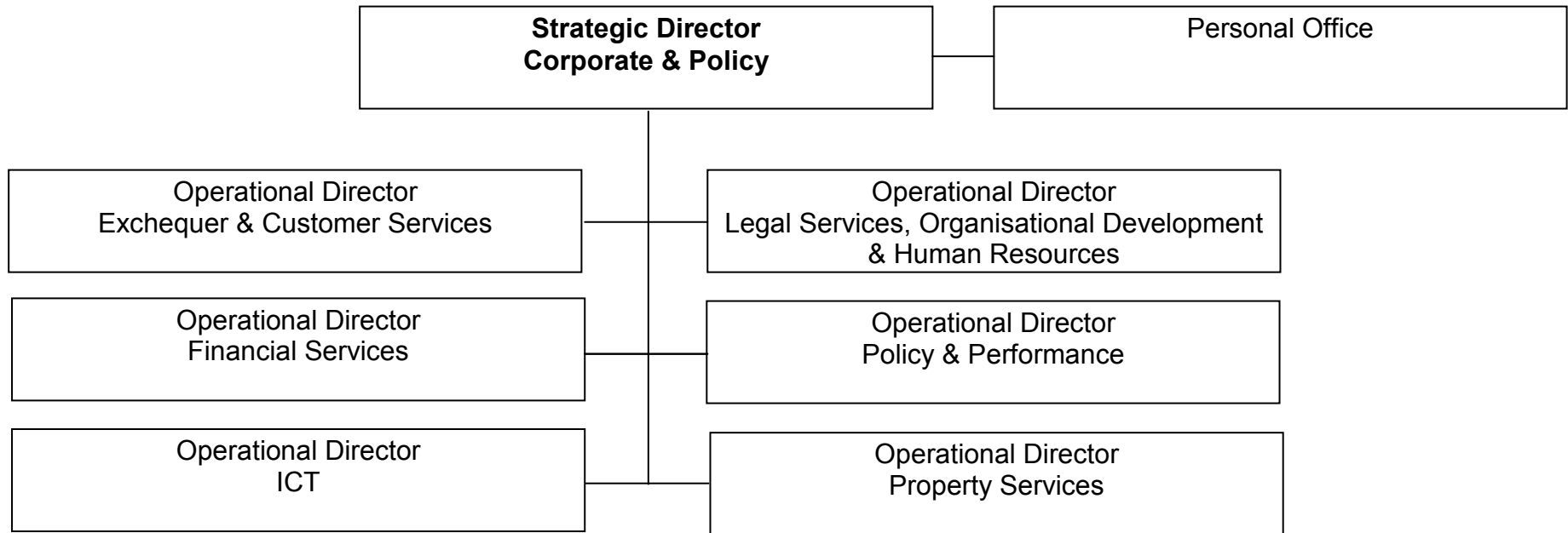
**STRUCTURES**

**HALTON BOROUGH COUNCIL – STRUCTURE OVERVIEW**

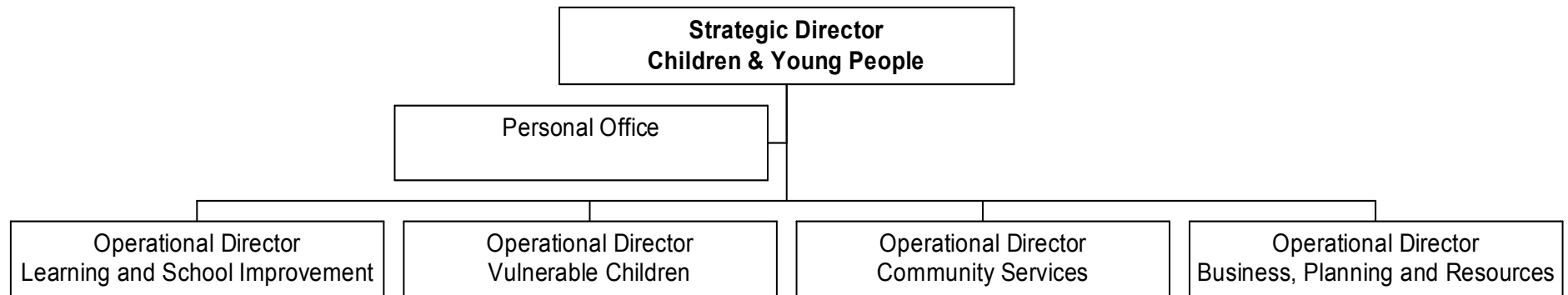
**NB The Chief Executive together with the Strategic Directors form the Management Team**



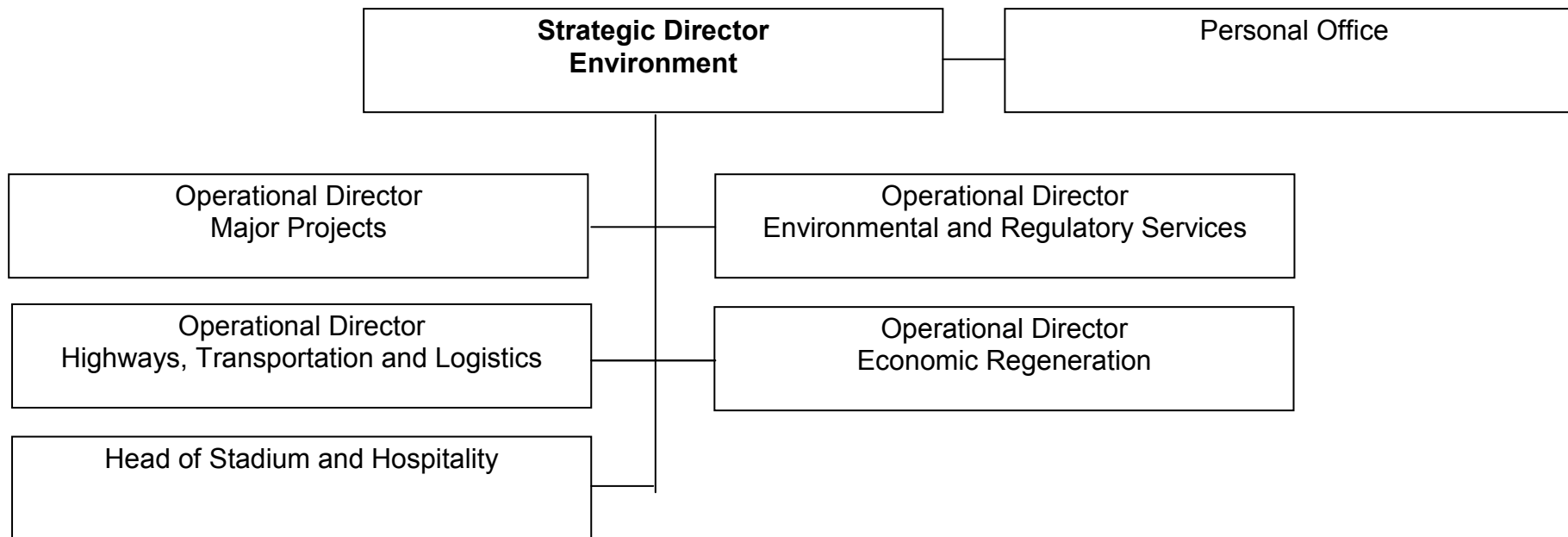
**Corporate and Policy Directorate**



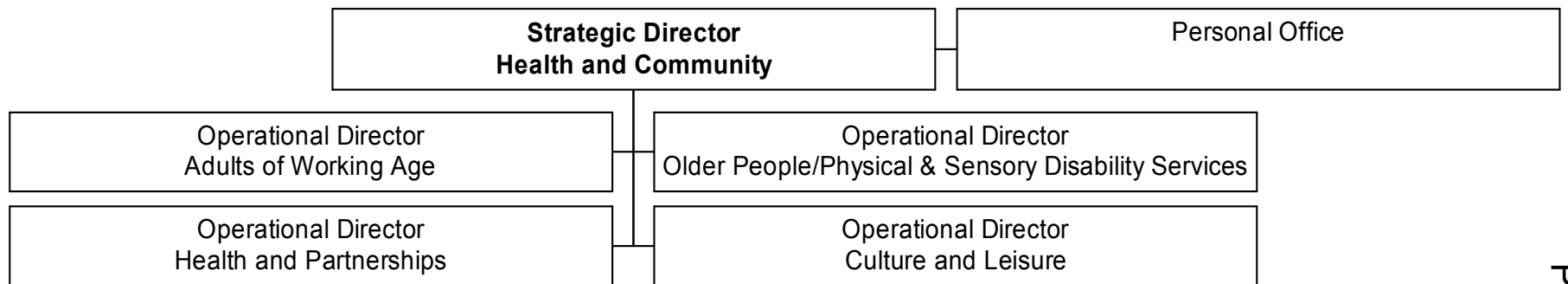
**Children and Young People Directorate**



**Environment Directorate**



**Health and Community Directorate**







## **Chapter 8**

### **Councillor Role Profiles**

#### **1. Role Profile – Scrutiny Coordinator**

**Name: Councillor**

**Position: Scrutiny Coordinator**

#### **Role and Responsibilities**

1. To work with the Council's Chief Scrutiny Adviser in leading and shaping the Overview and Scrutiny process within the Council.
2. To raise the profile of the Overview and Scrutiny process within and outside the Council.
3. To call and chair meetings of the Chairmen of the Council's Policy and Performance Boards with a view to
  - Coordinating the various Boards work programmes where they overlap
  - Prioritising items within the respective Board's work programmes where there are issues around the capacity of officers to provide support
  - Identifying and coordinating common training and development needs for Chairmen and Board members
  - Encouraging the sharing of good practice
  - Identifying common problems and issues
  - Ensuring that the Overview and Scrutiny process continues to develop within a coherent and consistent framework.
4. To ensure that the Overview and Scrutiny process develops a distinct and powerful role as a force for improvement within the Council.
5. To act as the liaison between the Policy and Performance Boards and the Executive Board to ensure that the relationship between the Executive Board and the Policy and Performance Boards continues to be one of mutual respect and support.
6. To work with the Council's Chief Scrutiny Adviser and Policy and Performance Board Prime Officer Leads to ensure that the Overview and Scrutiny process develops as a genuinely "member-led" process.
7. To provide support and advice to Chairs and Officers involved in the Overview and Scrutiny Process.
8. To assist and support the Council's Chief Scrutiny Adviser in negotiating the resources necessary to support the work programmes of the Policy and Performance Boards.

9. To use the position of Scrutiny Coordinator to promote the Council's objectives, priorities and values within and outside the Authority.
10. To carry out the duties identified in the role profile for Councillors.

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## **2. Role Profile – Councillor**

**Name: Councillor**

### **Role and Responsibilities**

1. To participate constructively in the good government of the area.
2. To contribute actively to the formation and scrutiny of the authority's policies, budget, strategies and service delivery.
3. To represent effectively the interests of the Ward for which the Councillor was elected and deal with constituents' enquiries and representations.
4. To champion the causes which best relate to the interest and sustainability of the community and campaign for improvement in the quality of life of the community in terms of equity, economy and environment.
5. To represent the Council on an outside body, such as a neighbourhood association, governing body or charitable trust.
6. To fulfill the statutory and locally determined requirements of an elected Member of a local authority and the authority itself, including compliance with all relevant codes of conduct and participation in those decisions and activities reserved to the full Council (e.g. setting budget, overall priorities, strategy).
7. To attend meetings (unless absent on Council business) and participate effectively as a Member of any Board, Committee, panel or forum to which the Councillor is appointed.
8. To use the position of Councillor to promote the Council's objectives, priorities and values within and outside the Authority.
9. To participate in the activities of an outside body to which the Councillor is appointed, providing two-way communication between organisations; and to develop and maintain a working knowledge of the authority's policies and practices in relation to that body and of the community's needs and aspirations in respect of that body's role and function.
10. To participate, as appointed, in the scrutiny of the services and policies of the authority and their effectiveness in meeting the strategic objectives of the authority and the needs of its residents.

11. To participate, as appointed, in the Area Forums and the consultative processes with the community and other organisations.

12. To develop and maintain a working knowledge of the Authority's services, management arrangements, powers/duties and constraints and to develop good working relationships with relevant officers of the Authority.

13. To develop and maintain a working knowledge of the organisations, services, activities and other factors which impact upon the community's well being and identity.

14. To contribute constructively to open government and democratic renewal through active encouragement to the community to participate generally in the government of the area.

15. To participate in the activities of any political group of which the Councillor is a member.

16. To uphold the Council's Constitution, Code of Conduct and ethical standards.

17. To attend the Seminars for elected members scheduled to take place during the year (unless absent on Council business) and to attend other training events appropriate to the role.

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### **3. Role Profile - Executive Board Member**

**Name: Councillor**

**Position: Executive Board Member**

**Portfolio:**

#### **Role and Responsibilities**

1. To have overall responsibility for the development of policy within the remit of the portfolio.

2. To have overall responsibility for the preparation and monitoring of capital and revenue budgets within the portfolio, and for the submission of budget proposals for the service areas within the portfolio to the Executive Board.

3. To work collectively with the Leader and other members of the Executive Board in agreeing capital and revenue budgets for the Council based on the budget proposals submitted by the various Executive Board portfolio holders.

4. To have overall responsibility for the development, implementation and monitoring of Service Plans for those services within the portfolio.

5. In consultation with the Leader of the Council, to represent, and act as an ambassador for, the Authority.
6. To act as the spokesperson for the authority on matters falling within the portfolio.
7. To represent the Authority in meetings with external bodies and partner agencies in connection with matters falling within the portfolio.
8. To use the position as a member of the Executive Board to promote the Council's objectives, priorities and values within and outside the Authority.
9. To be the lead member in relation to the Corporate Priority of -----
10. To work jointly with other Executive Board Members on matters and projects as directed by the Leader.
11. To provide support and guidance to Executive and Operational Directors in carrying out their work in relation to matters within the portfolio.
12. To submit an annual report to Full Council on all matters falling within the portfolio.
13. To oversee the timely progress of Best Value Reviews within the Service areas covered by the portfolio and to ensure that Best Value Improvement Plans are implemented.
14. To undertake such other duties and responsibilities as may be allocated by the Leader.
15. To carry out the duties outlined in the role profile for Councillors.

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**Role Profile – Member Without Portfolio (to be appointed by the Leader)**

**Name:** Councillor

**Role and Responsibilities**

1. To provide support to the Leader in relation to the growing regional agenda.
2. To represent the Leader (and the Council) at regional bodies as directed by the Leader.
3. To keep up-to-date and briefed on regional issues in order to support the Leader as and when required.
4. To undertake such other duties and responsibilities as may be allocated by the Leader.

5. To provide support to any other Executive Board member as directed by the Leader.
6. To use the position to promote the Council's objectives, priorities and values within and outside the Council.
7. To carry out the duties outlined in the role profile for Councillors.  
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#### **4. Role Profile – Chairman of Policy and Performance Board**

**Name: Councillor**

**Position: Chairman of**

##### **Role and Responsibilities**

1. To be responsible for the effective management of the Board's business.
2. To lead the development of the Board's work programme for the year and to ensure that meeting agendas are based on the approved work programme.
3. To chair meetings of the Board.
4. To present the minutes of the Board, and any reports from the Board, to full Council.
5. To monitor progress in respect of the Board's work programme.
6. In conjunction with the Board's Prime Officer Lead and relevant Lead Officer(s), to lead Members in drawing up terms of reference for individual scrutiny reviews
7. In conjunction with the Deputy Chairman to give initial consideration to first draft reports on individual scrutiny reviews
8. In conjunction with the Board's Prime Officer Lead and relevant Lead Officer(s), to determine appropriate means of engaging with the public on matters under scrutiny.
9. In conjunction with the Prime Officer Lead and relevant Lead Officer(s) to ensure appropriate expert and specialist advice is made available to the Board and to commission appropriate research in relation to matters under scrutiny.
10. In conjunction with the Deputy Chair to lead the Policy and Performance Board in effectively monitoring progress towards achieving the key objectives and targets set out in the Council's Corporate Plan and in the performance of functions within the Board's remit, and to propose recommendations for improvement.

11. To assist the Deputy Chair in ensuring that Board Members benefit from appropriate training and development to deal effectively with the Board's business.
  12. To use the position of Chairman of the Board to promote the Council's objectives, priorities and values within and outside the Authority.
  13. To work closely with reporting officers, the Chief Scrutiny Adviser and Committee Services in planning the agenda for meetings.
  14. To prepare and present an annual report to full Council on the work of the Board and its achievements during the year.
  15. To carry out the duties identified in the role profile for Councillors.
  16. To attend meetings convened by the Scrutiny Co-ordinator.
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**5. Role Profile – Chairman of**

**Committee**

**Name: Councillor**

**Position: Chairman of**

**Role and Responsibilities**

1. To be responsible for the effective management of the Committee's business.
2. To chair meetings of the Committee.
3. To present the minutes of the Committee, and any reports from the Committee, to full Council.
4. To act as the spokesperson for the Committee and, in consultation with the Council's Head of Communications and Marketing, to manage the Committee's relationship with the media .
5. To monitor progress in respect of the Committee's work programme.
6. To use the position as Chairman of the Committee to promote the Council's objectives, priorities and values within and outside the Authority
7. In conjunction with the Committee's Lead Officer to determine appropriate means of engaging with the public on matters which are within the Committee's area of responsibility
8. To ensure that Committee Members benefit from appropriate training and development to deal effectively with the Committee's business.
9. To work closely with reporting officers and Committee Services in planning the agenda for meetings.
10. To carry out the duties identified in the role profile for Councillors.

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**6. Role Profile – Deputy Chairman of Policy and Performance Board**

**Name: Councillor**

**Position: Deputy Chairman of**

**Role and Responsibilities**

1. To Support the Chairman of the Board in carrying out their responsibilities as set out in the role profile of a Chairman of a Policy and Performance Board.

2. In the absence of the Chairman, to chair Board meetings and conduct its business.
3. To assist the Chairman by managing attendance to ensure that meetings of the Board are quorate.
4. In conjunction with the Chairman to give initial consideration to first draft reports on individual scrutiny reviews
5. In conjunction with the Chair, to lead the Policy and Performance Board in effectively monitoring progress towards achieving the key objectives and targets set out in the Council's Corporate Plan and the performance of functions within the Board's remit, and to propose recommendations for improvement.
6. To work with the Policy and Performance Board's Prime Officer Leads in identifying the training needs of the members of the Board related to the Board's areas of responsibility and to ensure that Board Members benefit from appropriate training and development to deal effectively with the Board's business.
7. To assist the Chair in formulating the work programme for the Board, and in particular to monitor the Forward Plan and minutes of the Executive Board with a view to helping the Chairman with the selection of items for future scrutiny and developing a timetable for the review of those items.
8. To use the position of Deputy Chairman of the Board to promote the Council's objectives, priorities and values within and outside the Authority.
9. To undertake such other duties in relation to the work of the Board as the Chairman may allocate.
10. To carry out the duties identified in the role profile for Councillors.

## **7. Role Profile – Chairman of the Standards Committee**

**Name:**

**Position:**

### **Role and Responsibilities**

1. To be responsible for the effective management of the Committee's business.
2. To Chair meetings of the Committee.
3. To promote the Council's ethical agenda.
4. To deal with the Standards Board for England and other relevant bodies on behalf of the Council.
5. To report annually to the Council on the work of the Committee.





## APPENDIX 1

### CITIZENS' RIGHTS OF ACCESS TO INFORMATION, MEETINGS, ETC

#### 1. **Vote at Local Elections**

Voting takes place on the first Thursday in May in three out of every four years. All Citizens' registered on the Electoral Role are notified in advance by poll card.

Citizens can register at their own address throughout the year.

*For further information regarding the Electoral Role please contact the electoral registration officer on Ext. 1060.*

#### 2. **Contact Local Councillors**

Members are available by phone

At Members' Surgeries

By E-mail using the following convention

[Firstname.surname@halton.gov.uk](mailto:Firstname.surname@halton.gov.uk)

Details are also available on the Council's WEB Site [WWW.halton.gov.uk](http://WWW.halton.gov.uk)

*For further details please contact Members' Services Ext. 1116*

#### 3. **Inspect or obtain a copy of the constitution**

Copies are available at the Municipal Building, Kingsway, Widnes at the Information Centre, Church Street, Runcorn and at the Reception, Runcorn Town Hall, Heath Road, Runcorn.

Inspection is free of charge however, a reasonable fee will be charged for a copy to be obtained.

#### 4. **Attend meetings of Council etc.**

For details of meetings contact Committee Services Section Ext. 1023.

Copies of Agenda for meetings are published five days prior to any meeting at Municipal Building, Kingsway, Widnes.

Copies of Agenda for meetings are also available at Rutland House, Halton Lea, Runcorn, or Halton Direct Offices, during normal office hours.

Agenda are also available on the Council's WEB Site [WWW.halton.gov.uk](http://WWW.halton.gov.uk) five days prior to any meeting.

**5. Petition to request a referendum on a Mayoral form of Executive**

Citizen's may submit a petition requesting a referendum on a Mayoral Executive 5% of the electorate would be required in order that a referendum would be required to take place.

**6. Contribute to Policy and Performance Boards by Public Question Time**

At the start of each Policy and Performance Board a total of 30 minutes will be allocated for members of the public who are residents of the Borough, to ask questions which relate to items on the agenda.

Public questions cannot relate to a planning or licensing application or to any matter which is not dealt with in the public part of a meeting. Written notice of questions must be submitted by 4.00 p.m. on the day prior to the meeting of the Board.

The Chairperson will ask for people to indicate that they wish to ask a question. One supplementary question (relating to the original question) may be asked by the questioner which may or may not be answered at the meeting. The maximum amount of time each questioner will be allowed is 3 minutes.

If a response is not given at the meeting, a written response may be given.

To help make the most of Public Question Time it is requested that questions are as concise as possible and should not repeat or make statements on earlier questions as this reduces the time available for other issues to be raised.

The Question-time form is available on the Council's Website.

To ask a question at any of the Policy and Performance Boards please contact the Committee Services Section Ext 1125.

**7. Submit questions to Area Forums**

Each Area Forum agenda will include an item called "Public Questions" where questions submitted regarding local issues will be addressed.

Questions must be submitted by 4.00 pm three working days prior to the date on which the meeting is to be held. However, urgent issues may be considered at the meeting at the Chairman's discretion.

If it is not possible to provide an answer at the meeting, a written response will be given.

To ask a question at any of the Area Forums, contact Committee Services on Ext 1065.

**8. Speak on planning applications**

Public speaking on planning applications has also been introduced at the Development Control Committee.

**9. Find out from forward plan what major decisions are to be discussed.**

Forward plans will be prepared to cover an initial period of four months, beginning with the first day of any month. They will then be prepared on a monthly basis and subsequent plans will cover a period beginning with the first day of the second month covered by the preceding plan.

The Plan will contain matters which the leader has reason to believe will be the subject of key decision.

**10. Attend meetings of the Executive where Key decisions are being discussed or decided;**

A Key decision is a decision which is likely.

(a) to result in a local authority incurring expenditure which is significant, or the making of savings which are significant having regard to the local authority's budget for the service or function to which the decision relates;

or

(b) to be significant in terms of its effects on communities living or working in an area comprising 2 or more wards or electoral divisions in the area of the local authority.

For details of meetings contact Committee Services Section Ext. 1023.

Copies of Agenda for the meetings are published five days prior to any meeting.

Copies of Agenda for meetings are available as detailed in Section 4.

**11. See reports and background papers, and any record of decisions made by the Council and Executive**

Copies of reports relating to forthcoming meetings are published 5 days prior to any meeting and are available during normal office hours as stated in Section 4 of this Appendix.

**12. Complain to Council**

If Citizen's are dissatisfied with the response from any Directorate the Council has a corporate complaints procedure, please refer to Article 3 of this constitution.

**13. Complain to Ombudsman**

A Citizen may have recourse to the Ombudsman on the grounds of maladministration.

The appropriate address is:-

Local Government Ombudsman,  
Beverley House,  
17 Shipton Road,  
York YO30 5FZ.

**14. Complain to Standards Board for England**

Further details are available on request from the Council's Monitoring Officer.

**15. Inspect the Council's accounts**

The Council's accounts are published annually.

Notice of publication is submitted in the local press.

The accounts can be inspected at:-

Corporate and Policy Directorate,  
Halton Borough Council,  
Municipal Building,  
Kingsway  
Widnes WA8 7QF.

## **APPENDIX 2**

### **CODE OF CONDUCT RELATING TO MEMBERS' ACCESS TO COUNCIL DOCUMENTS**

#### **1. MEMBERS' RIGHTS OF ACCESS TO COUNCIL DOCUMENTS**

- 1.1 A Councillor is entitled by virtue of his/her office to have access to all documents in the possession of the local authority of which she/he is a member provided she/he has good reason for such access. \*

#### **2. RIGHTS OF ACCESS: GENERALLY**

- 2.1 A Councillor whilst serving on the Council is entitled to see all documents relating to a matter he wishes to investigate provided he has a genuine interest in the matter in question.
- 2.2 In the case of a Councillor with a bona fide and reasonably based concern, the bias, if any, should be in favour of allowing access to information rather than concealing information.
- 2.3 Councillors must be able to do their jobs properly as a member of the Council and to perform their duties adequately on behalf of their constituents. It is unacceptable to refuse access to documents on the grounds that there are "other ways of finding out about such matters".
- 2.4 A Councillor with a legitimate ward problem may well be able to show that he has the necessary "need to know" to enable him to see Council documents that are relevant.
- 2.5 An Officer (or indeed the Council itself) in judging whether a Councillor requesting information has a right to it is entitled to know his reason for wanting it.
- 2.6 On every occasion a Councillor wishing to see files and papers will certainly need to show that the request is a proper one and give reasons for requiring the information. Any request regarding access to a personal file will require the prior consent of the person who is the subject of the file before this disclosure can be made.

#### **3. RIGHTS OF ACCESS: COMMITTEE MEMBERSHIP**

- 3.1 A Councillor as a general rule will have good reason for access to all written material relating to any Committee/Board on which he serves. So for example each member of the Social Services Committee is in general entitled by virtue of his office to see all the papers which have come into the possession of a Social Worker in the course of his duties as an employee of the Council.

"There is no room for any secrecy between a Social Worker and a member of the Social Services Committee". (House of Lords decision R v Birmingham City Council, Ex parte, O).

- 3.2 An exception needs to be made for child care proceedings. All documentation relating to these proceedings is confidential. Any request for access to documentation would require a separate application to be made to the Court. Councillors should be aware that the duty of confidentiality to the child who is the subject of care proceedings is paramount and that therefore disclosure will rarely be granted.
- 3.3 A Councillor has no automatic right of access to documents of a Committee/Board of which he is not a member.
- 3.4 To gain such access he has to establish that the information sought was needed to enable him properly to carry out his duties.
- 3.5 A Councillor is entitled to see documents of a Committee/Board on which he does not serve provided he can establish "a need to know".
- 3.6 A Councillor has no right to a roving commission to go and examine books or documents simply because he is a Councillor. Mere curiosity or desire to see and inspect documents is not enough.
- 3.7 The decision whether access to a document is to be allowed or refused is an administrative decision. It is ultimately one to be taken by the Members themselves sitting in Council. If the appropriate Officer of the Council refuses a request for access and if upon application to the relevant Committee/Board and, on its refusal, application to the whole Council is of no avail, the Councillor can in the last resort bring proceedings for judicial review. Where disclosure would involve confidential or sensitive reports, correspondence or information supplied by third parties the Chief Executive, in consultation with the Leader of the Council, shall instigate a review to consider whether the express consent of affected third parties should be obtained. Selective disclosure may be deemed appropriate in certain circumstances. The decision whether to allow access to a document is ultimately one to be taken by the Standards Committee.

#### **4.0 RIGHTS OF ACCESS: LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

- 4.1 Of course in addition to their special powers Councillors have the same rights as any other member of the public. They have a right to see Council papers relating to any business to be transacted at a future meeting, other than those containing certain exempt information.
- 4.2 Councillors have the right to see other papers including confidential or exempt information if they can establish their "need to know" in order to perform properly their duties as Councillors and this need is not outweighed by any public interest requiring non-disclosure.

- 4.3 Councillors have the right to see the Council's accounts (or, indeed, the accounts prepared by a proper officer of the authority) and they may also take advantage of the more general right to see all books, deeds, contracts, bills, vouchers and receipts relating to the accounts.
- 4.4 Councillors have a duty not to disclose any information classified as exempt unless publicity would have occurred as a normal incidence of Council activity.
- 4.5 Rights to information will vary from Member to Member and will arise and change at different times. Each application for access must be judged on its merits taking account of the evidence and circumstances of the case.
- 4.6 The Data Protection Act 1998 extends registration and access rights and confidentiality duties to written records. Previously these controls applied only to information held on computer. The 1998 Act is not yet fully in force. The implications of the Act will need to be considered in each case.
- 4.7 A further exception will apply in relation to disclosure of reports, correspondence or information provided by third parties typically health professionals, the police or other groups or individuals who supply information to the Council often pursuant to different disclosure rules. Such third party data cannot be disclosed to Members without the express consent of the relevant third party.

**\* This Protocol is intended to be gender neutral; the masculine includes the feminine and vice versa.**





## APPENDIX 3

### COUNCIL'S DISPUTE SOLVING PROCESS

In the event of a dispute between the Executive and full Council in setting the budget & policy framework the matter will be dealt with in accordance with the Council's Standing Orders relating to proceedings and business.

#### Standing Orders relating to Proceedings and Business

1. In these Standing Orders –  
  
"executive" and "executive leader" have the same meaning as in Part II of the Local Government Act 2000; and  
  
"plan or strategy" and "working day" have the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001.
2. Where the executive of the authority has submitted a draft plan or strategy to the authority for its consideration and, following consideration of that draft plan or strategy, the authority has any objections to it, the authority must take the action set out in paragraph 3.
3. Before the authority –
  - (a) amends the draft plan or strategy;
  - (b) approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or
  - (c) adopts (with or without modification) the plan or strategy,it must inform the executive leader of any objections which it has to the draft plan or strategy and must give to him instructions requiring the executive to reconsider, in the light of those objections, the draft plan or strategy submitted to it.
4. Where the authority gives instructions in accordance with paragraph 3, it must specify a period of at least five working days beginning on the day after the date on which the executive leader receives the instructions on behalf of the executive within which the executive leader may –
  - (a) submit a revision of the draft plan or strategy as amended by the executive (the "revised draft plan or strategy"), with the executive's reasons for any amendments made to the draft plan or strategy, to the authority for the authority's consideration; or

(b) inform the authority of any disagreement that the executive has with any of the authority's objections and the executive's reasons for any such disagreement.

5. When the period specified by the authority, referred to in paragraph 4, has expired, the authority must, when –

(a) amending the draft plan or strategy or, if there is one, the revised draft plan or strategy;

(b) approving, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft or revised draft) of which any part is required to be so submitted; or

(c) adopting (with or without modification) the plan or strategy,

take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the executive's reasons for those amendments, any disagreement that the executive has with any of the authority's objections and the executive's reasons for that disagreement, which the executive leader submitted to the authority, or informed the authority of, within the period specified.

6. Subject to paragraph 10, where, before 8th February in any financial year, the authority's executive submits to the authority for its consideration in relation to the following financial year –

(a) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 37 or 43 to 49, of the Local Government Finance Act 1992;

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

(c) estimates of such a calculation; or

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

and following consideration of those estimates or amounts the authority has any objections to them, it must take the action set out in paragraph 7.

7. Before the authority makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in paragraph 6(a), or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992, it must inform the executive leader of any objections which it has to the executive's estimates or amounts and must give to him

instructions requiring the executive to reconsider, in the light of those objections, those estimates and amounts in accordance with the authority's requirements.

**8.** Where the authority gives instructions in accordance with paragraph 7, it must specify a period of at least five working days beginning on the day after the date on which the executive leader receives the instructions on behalf of the executive within which the executive leader may –

- (a) submit a revision of the estimates or amounts as amended by the executive ("revised estimates or amounts"), which have been reconsidered in accordance with the authority's requirements, with the executive's reasons for any amendments made to the estimates or amounts, to the authority for the authority's consideration; or
- (b) inform the authority of any disagreement that the executive has with any of the authority's objections and the executive's reasons for any such disagreement.

**9.** When the period specified by the authority, referred to in paragraph 8, has expired, the authority must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in paragraph 6(a), or issuing a precept under Chapter IV of Part I of the Local Government Finance Act 1992, take into account –

- (a) any amendments to the estimates or amounts that are included in any revised estimates or amounts;
- (b) the executive's reasons for those amendments;
- (c) any disagreement that the executive has with any of the authority's objections; and
- (d) the executive's reasons for that disagreement,

which the executive leader submitted to the authority, or informed the authority of, within the period specified.

**10.** Paragraphs 6 to 9 shall not apply in relation to –

- (a) calculations or substitute calculations which an authority is required to make in accordance with section 52I, 52J, 52T or 52U of the Local Government Finance Act 1992; and
- (b) amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with section 52J or 52U of that Act.



## **APPENDIX 4**

### **STANDING ORDERS RELATING TO POWERS AND DUTIES OF EXECUTIVE BOARDS, POLICY AND PERFORMANCE BOARDS, COMMITTEES AND FORUMS AND PANELS**

1. Council
2. Executive Board, Executive Board Sub-Committee, 3MG Executive Sub-Board and Mersey Gateway Executive Board
3. Corporate Services Policy and Performance Board
4. Healthy Halton Policy and Performance Board
5. Urban Renewal Policy and Performance Board
6. Employment, Learning and Skills Policy & Performance Board
7. Children and Young People Policy & Performance Board
8. Safer Halton Policy and Performance Board
9. Policy & Performance Boards (Criteria for all Boards)
10. Business Efficiency Board
11. Development Control Committee
12. Appeals Panel
13. Standards Committee
14. Appointments Committee
15. Regulatory Committee

**1. MATTERS RESERVED TO THE COUNCIL**

BEST VALUE

1. To pursue the principles of Best Value at all times.

POLICY

2. Adopt council strategic development plans.
3. To consider and approve the Community Plan and the Council's Corporate Plan.
4. To approve policies and the policy framework, and to make such changes as may be required by new legislation.
5. To make decisions in connection with the Council's functions in relation to Parishes and Parish Councils.
6. To decide to dissolve small Parish Councils.
7. To make orders for grouping parishes, dissolving groups and separating parishes from groups.
8. To appoint a returning officer for local government elections.
9. To divide the constituency into polling districts.
10. To exercise power in respect of holding elections.
11. To declare vacancy in office under the provisions of S86 Local Government Act 1972.
12. To give public notice of a casual vacancy.
13. To make temporary appointments to parish councils.
14. To appoint an electoral registration officer.
15. To make decisions concerning district boundaries, electoral divisions, wards or polling districts.
16. To apply to change the name of the area, or confer the title of honorary alderman or freedom of the Borough.

SERVICE PROVISION

17. To institute new services and discontinue or alter existing services.

18. To consider and make recommendations to United Utilities and the health authority and any other relevant bodies relating to services provided by those bodies within the district.
19. To exercise the Council's powers and duties in relation to Halton Transport.
20. Determining schemes for local lotteries.
21. To be responsible for admission to maintained schools of which the authority are the admissions authority.

#### FINANCIAL

22. The adoption or approval of the budget and any plan or strategy for the control of the local authority's borrowing investments, or capital expenditure (the Capital Plan and Treasury Management Statement).
23. To maximise opportunities for securing external funding.
24. Approve capital programmes and revenue estimates.
25. Setting Council Tax and tax bases.
26. To approve the Authority's Prudential Indicators.

#### CONSTITUTIONAL

27. To adopt the Constitution and to make and agree Standing Orders and agree amendments when appropriate.
28. To appoint eligible persons for the position of Mayor/Deputy Mayor [upon recommendation from the Executive Board Sub-Committee].
29. Appointing the Leader, Policy and Performance Boards, Quasi-Judicial Committees, Development Control Committee, Regulatory Committee, Business Efficiency Board, Standards Committee, Appointment Committee and Closure of Accounts Committee.
30. Appointing to other bodies where only the Council can make the appointment.
31. To appoint Members to sit on external bodies on recommendation from the Executive Board.
32. To consider any strategic plan or policy referred to full Council by the Executive Board.
33. Approve the principles of agency arrangements.
34. Making and amending bye-laws.



35. Promoting or opposing new legislation.
36. To receive an 'Annual State of the Borough' speech by the Leader of the Council.
37. Determining the scheme and amounts of Members' allowances.

#### PLANS

38. To be responsible for the approval of the following plans:
  - (a) Annual Library Plan
  - (b) Best Value Performance Plan
  - (c) Children and Young People Plan
  - (d) Community Strategy
  - (e) Corporate Plan
  - (f) Crime and Disorder Reduction Strategy
  - (g) Food Law Enforcement Service Plan
  - (h) Local Transport Plan
  - (i) Plans and alterations which together comprise the Development Plan
  - (j) Youth Justice Plan
  - (k) Strategy and plan comprising the Housing Investment Programme
  - (l) Local Agenda 21 Strategy
  - (m) Lifelong Learning Development Plan
  - (n) Quality Protects Management Action Plan
  - (o) Social Exclusion Strategy
  - (p) Adult Learning Plan
  - (q) Contaminated Land Strategy
  - (r) Licensing Authority Policy Statement

#### REPORTING

39. Considering the Head of Paid Service's report in accordance with Section 4 of the Local Government and Housing Act 1989.
40. Considering the Monitoring Officer's report in accordance with Section 5 of the Local Government and Housing Act 1989.
41. To approve any draft plans and strategies which require ministerial approval.
42. Considering the Financial Officer's report in accordance with Section 115 of the Local Government and Finance Act 1988.
43. Considering External Auditor's Public Interest Report.
44. Considering and if appropriate approving a code of conduct as recommended by the Standards Committee.

## STAFFING

45. To appoint the Chief Executive on recommendation from the Appointments Committee
46. To deal with the dismissal of the Chief Executive in accordance with the Standing Orders relating to staffing.
47. To ensure equality of opportunity for all applicants for employment, existing employees and inhabitants of the borough, including equality in the delivery of services by the Council.

## 2. **POWERS AND DUTIES OF THE EXECUTIVE BOARD**

The following matters are reserved to the Executive Board:

### BEST VALUE

- 1) To pursue the principles and practice of Best Value at all times.

### SERVICES

- 2) To determine and publish the programme of work in accordance with the provisions of the Local Government Act 2000.
- 3) To undertake all functions in respect of which the terms of reference of the full Council refer to recommendations from the Executive Board.
- 4) To be responsible for implementing and monitoring the Council's Equal Opportunities Policy with a particular reference to service delivery.

### FINANCE, RESOURCES AND CENTRAL SUPPORT SERVICES

- 5) To maximise opportunities for securing external funding.
- 6) To allocate the financial, manpower and land resources of the Council.
- 7) To recommend to the Council the amount of Council Tax for the ensuing year.
- 8) To consider the Council's capital programme and revenue budget and to make recommendations thereon to the Council.
- 9) To be responsible for the corporate Risk Management functions and strategy (with the exception of functions under "any relevant statutory provision" within the meaning of Part I (health, safety and welfare in connection with work and control of dangerous substances) of the Health and Safety at Work Act 1974 to the extent that those functions are discharged otherwise than in the authority's capacity as an employer).
- 10) To consider the Council's medium term financial forecasts.

- 11) To consider requests for supplementary estimates over £250,000 and approve as necessary.

#### STRATEGIC AND POLICY

- 12) To maintain effective links with the European Union and subsidiary organisations.
- 13) To approve Directorate's service plans for the forthcoming year .
- 14) To consider strategies in connection with the powers and duties of the Council and refer these to the Council for approval.
- 15) To consider and approve Agreements/Undertakings with other authorities, bodies or persons for all areas of the Council activities.
- 16) To ensure equality of opportunity for all employees and inhabitants of the borough including equality in the delivery of services by the Council.
- 17) Where a function or action includes preparation of a strategic plan, to draft such a plan for submission to full Council.
- 18) To amend, modify or vary any plan outlined in paragraph 38 of the matters reserved to Council in these Standing Orders, and any plan or strategy which requires amendment after Ministerial approval has been sought and granted subject to such amendment.

#### CONSTITUTIONAL

- 19) To recommend to Council appointments to outside bodies.
- 20) To maintain effective liaison arrangements with all relevant external bodies and be responsible for arrangements relating to the Council's twinning activities.
- 21) To act as the Council's Selection Committee and to recommend to Council on membership of the Forums and Panels, Boards and Committees and in relation to the Council's constitutional arrangements.
- 22) To authorise expenditure on civic hospitality.

#### STAFFING

- 23) To consider and determine policy matters in relation to staffing including the conduct of employees, and the consultation arrangements with the exception of any appeals lodged by employees under the Council's employment procedures and excluding the determination of terms and conditions of service and procedures for dismissal.
- 24) To receive reports on the administration of the Investors in People Scheme.

25) To be responsible for implementing and monitoring the Council's Equal Opportunities Policy with a particular reference to employment issues.

26) To have responsibility for corporate policy in relation to industrial relations within the Council.

27) To consider any matters referred to Executive Board by any Strategic Director.

**POWERS AND DUTIES OF THE SUB-COMMITTEE OF THE EXECUTIVE BOARD (GENERAL PURPOSES)**

To secure the economic, efficient and effective discharge of Executive Board business, the Sub-Committee shall be responsible for determining any matters in the competence of the Executive Board which the Leader in consultation with the Chief Executive shall delegate to it.

PROVIDED that all such operational decisions are determined consistently and objectively within the terms of all relevant Council policies and agreed plans and programmes and that no strategic policy decisions shall be so delegated.

To recommend to the Council the appointment of eligible persons for the position of Mayor/ Deputy Mayor and the level of compensation applicable.

To receive the Annual Report of the Area Forums.

To deal with all matter relating to the tendering for goods and services and to authorise the awarding of contracts.

**POWERS AND DUTIES OF THE 3MG EXECUTIVE SUB-BOARD**

1. To assist the Executive Board through monitoring the overall progress of the programme (against the HBC approved Masterplan and Delivery Strategy) and helping to refine the detail of the programme as it progresses.
2. To that end, developing a detailed understanding of the Ditton Strategic Rail Freight Park Regeneration Scheme, and assisting officers in the task of reviewing and rolling forward the programme annually.
3. To provide officers of the Council with a political steer on any local consultation and community issues arising as the Scheme progresses.
4. To support the officers of the Council in engaging with the other partners (NWDA, NR, SRA/ DfT, ERDF, Landowners, Developers) and the public as the Scheme progresses.
5. To maintain an overview of progress in respect of the Council's own specific tasks, roles and contribution to the Ditton Strategic Rail Freight Park's implementation of the HBC agreed/ approved Masterplan/ Delivery Strategy.

6. To authorise actions necessary to implement the project within the capital and revenue budgets approved by the Council and within the available funding derived from external sources.

### **POWERS AND DUTIES OF THE MERSEY GATEWAY EXECUTIVE BOARD**

1. To determine the strategic direction for the Mersey Gateway Project.
2. To monitor and oversee progress against the project timetable.
3. To develop and refine the detail of the project as it progresses.
4. To procure the Mersey Gateway Project securing Best Value terms for the Council.
5. To support the officers of the Council in engaging with the other partners, stakeholders and the public as the Scheme progresses.
6. To take and authorise such action as is necessary to implement the project within the capital and revenue budgets approved by the Council and within the available funding derived from external sources.
7. To provide regular progress reports to the Council's Executive Board.

### **3. POWERS AND DUTIES OF THE CORPORATE SERVICES POLICY AND PERFORMANCE BOARD**

**Strategic Priority** – To develop policy and monitor performance in relation to the Council's objective of being a modern, fit for purpose, fully effective local authority.

1. In relation to the following policies, responsibilities and functions of the Council:

#### **Corporate Policies/Responsibilities**

- Corporate Strategy
- Community Strategy
- Performance Plan
- Corporate Risk Management Strategy
- Equality and Diversity Plan
- Communication (internal and external) and Marketing Strategies
- Customer Care/Customer Relations
- Policy and Approach to Area Forums/Local Neighbourhood Renewal Strategies (including Neighbourhood Management)

#### **Functions**

- Policy and Performance
- Financial Services
- Exchequer and Customer Services
- Legal and Member Services
- Property Services

- ICT Services
- Organisational Development/Personnel
- Halton Stadium
- Civic Catering

the Board will:-

- (i) initiate new policy proposals for consideration by the Executive Board/Council;
  - (ii) monitor and comment on performance;
  - (iii) review and make recommendations on existing policies;
  - (iv) promote public confidence in the Council's services;
  - (v) hold Executive Board Members and senior officers to account;
  - (vi) monitor Executive Board compliance with agreed policies;
  - (vii) ensure adherence to the priorities in the Council's Corporate Plan.
  - (viii) receive a report on any petitions received by the Council relating to the Board's policy area and on any action taken or proposed to be taken by the Executive (or Executive Board Sub-Committees, Portfolio Holder, or an officer acting under delegated powers).
2. To receive representation, evidence or expert opinion from outside the Council and to draw conclusions from such representations to the attention of the Executive Board/Council as appropriate;
  3. To consult the public where appropriate in relation to Council services which fall within the terms of reference of the Policy and Performance Board.
  4. To review any area of income and expenditure which falls within the remit of the Policy and Performance Board.
  5. To make recommendations to the Executive Board on the financial aspects of the proposals, which fall within the remit of the Policy and Performance Board.
  6. To require the Executive Board where appropriate to make a report to the Council on any decision not included in the Forward Plan which the Policy and Performance Board consider should have been included in the Forward Plan.
  7. The Chair of the Policy and Performance Board will receive papers relating to a decision which is on the Forward Plan when this Forward Plan is finalised and published.
  8. To examine systematically the services of the Council, within the remit of the Board, in order to assess their efficiency, effectiveness, economy, quality and value for money.
  9. To draw up an annual programme of performance review to respond to briefs on performance review of specified activities and to develop programmes and performance monitors to ensure quality in all the Council's dealings with the public and external organisations.
  10. To consult with the Executive on any plan or strategy including strategic policy.

11. To monitor the citizens' charter and complaints procedure and make recommendations to the Executive Board.

12. To establish a Panel of 5 Members to hear and determine complaints under the Corporate Complaints Procedure (Members of the Panel to be chosen by the Committee Services Manager in consultation with the Chairman).

13. To monitor the Authority's Prudential Indicators.

14. To provide informed input in response to requests from the Executive Board for advice, options and appraisal on matters falling within the remit of the Policy and Performance Board.

15. To authorise expenditure on civic hospitality up to maximum of £500 per annum.

#### **4. POWERS AND DUTIES OF THE HEALTHY HALTON POLICY AND PERFORMANCE BOARD**

**Strategic Priority** – To develop policies and monitor performance in relation to the Council's objectives for a healthy Halton.

1. In relation to the following policies, responsibilities and functions of the Council:

##### **Corporate Policies/Responsibilities**

- To oversee the Council's external relationships with Health Authorities, Trust and private care groups
- To oversee Health aspects of the Local Area Agreement

##### **Functions**

- To examine health promotion activity and effectiveness in the Borough and develop ways to improve provision and healthy outcomes for local people
- To examine healthcare provision within the area in relation to all residents of the Borough and to participate in initiatives for improving it
- To carry out the Council's statutory role in relation to health scrutiny, to call officers from the health Authority and Health Trusts to account, and to request them to appear before the PPB when appropriate
- Adult Social Services
- Older People's Services

the Board will:

- (i) initiate new policy proposals for consideration by the Executive Board/Council;
- (ii) monitor and comment on performance;
- (iii) review and make recommendations on existing policies;
- (iv) promote public confidence in the Council's services;
- (v) hold Executive Board Members and senior officers to account;

- (vi) monitor Executive Board compliance with agreed policies;
- (vii) ensure adherence to the priorities in the Council's Corporate Plan.
- (viii) receive a report on any petitions received by the Council relating to the Board's policy area and on any action taken or proposed to be taken by the Executive (or Executive Board Sub-Committees, Portfolio Holder, or an officer acting under delegated powers).

2. To receive representation, evidence or expert opinion from outside the Council and to draw conclusions from such representations to the attention of the Executive Board/Council as appropriate;

3. To consult the public where appropriate in relation to Council services which fall within the terms of reference of the Policy and Performance Board.

4. To review any area of income and expenditure which falls within the remit of the Policy and Performance Board.

5. To make recommendations to the Executive Board on the financial aspects of the proposals, which fall within the remit of the Policy and Performance Board.

6. To require the Executive Board where appropriate to make a report to the Council on any decision not included in the Forward Plan which the Policy and Performance Board consider should have been included in the Forward Plan.

7. The Chair of the Policy and Performance Board will receive papers relating to a decision which is on the Forward Plan when this Forward Plan is finalised and published.

8. To examine systematically the services of the Council, within the remit of the Board, in order to assess their efficiency, effectiveness, economy, quality and value for money.

9. To draw up an annual programme of performance review to respond to briefs on performance review of specified activities and to develop programmes and performance monitors to ensure quality in all the Council's dealings with the public and external organisations.

10. To consult with the Executive on any plan or strategy including strategic policy.

11. To monitor the citizens charter and complaints procedure and make recommendations to the Executive Board.

12. To provide informed input in response to requests from the Executive Board for advice, options and appraisal on matters falling within the remit of the Policy and Performance Board.

13. To authorise expenditure on civic hospitality up to maximum of £500 per annum.

## **5. POWERS AND DUTIES OF THE URBAN RENEWAL POLICY AND PERFORMANCE BOARD**



**Strategic Priority** – To develop policies and monitor performance in relation to the Council's objectives for urban renewal in Halton.

1. In relation to the following policies, responsibilities and functions of the Council:

**Corporate Policies/Responsibilities**

- All aspects of the Council's planning policies, eg Unitary Development Plan/Local Development Framework
- Economic Regeneration and Tourism Strategies
- Derelict/Contaminated Land Strategy
- Biodiversity Strategy
- Transportation Policies, eg Local Transport Plan
- Sustainability Strategy and Climate Change
- Strategic Housing policy (including homelessness, liaison with RSLs, private sector groups, gypsies/travellers)
- Strategic Housing policy (area renewal, availability/choice and mix)
- Urban renewal aspects of the Local Area Agreement

**Functions**

- Major Projects
- Highways and Transportation
- Economic Regeneration
- Landscape Services
- Parks and Countryside

the Board will:

- (i) initiate new policy proposals for consideration by the Executive Board/Council;
- (ii) monitor and comment on performance;
- (iii) review and make recommendations on existing policies;
- (iv) promote public confidence in the Council's services;
- (v) hold Executive Board Members and senior officers to account;
- (vi) monitor Executive Board compliance with agreed policies;
- (vii) ensure adherence to the priorities in the Council's Corporate Plan.
- (viii) receive a report on any petitions received by the Council relating to the Board's policy area and on any action taken or proposed to be taken by the Executive (or Executive Board Sub-Committees, Portfolio Holder, or an officer acting under delegated powers).

2. To receive representation, evidence or expert opinion from outside the Council and to draw conclusions from such representations to the attention of the Executive Board/Council as appropriate;

3. To consult the public where appropriate in relation to Council services which fall within the terms of reference of the Policy and Performance Board.

4. To review any area of income and expenditure which falls within the remit of the Policy and Performance Board.
5. To make recommendations to the Executive Board on the financial aspects of the proposals, which fall within the remit of the Policy and Performance Board.
6. To require the Executive Board where appropriate to make a report to the Council on any decision not included in the Forward Plan which the Policy and Performance Board consider should have been included in the Forward Plan.
7. The Chair of the Policy and Performance Board will receive papers relating to a decision which is on the Forward Plan when this Forward Plan is finalised and published.
8. To examine systematically the services of the Council, within the remit of the Board, in order to assess their efficiency, effectiveness, economy, quality and value for money.
9. To draw up an annual programme of performance review to respond to briefs on performance review of specified activities and to develop programmes and performance monitors to ensure quality in all the Council's dealings with the public and external organisations.
10. To consult with the Executive on any plan or strategy including strategic policy.
11. To monitor the citizens charter and complaints procedure and make recommendations to the Executive Board.
12. To provide informed input in response to requests from the Executive Board for advice, options and appraisal on matters falling within the remit of the Policy and Performance Board.
13. To authorise expenditure on civic hospitality up to maximum of £500 per annum.

## **6. POWERS AND DUTIES OF THE EMPLOYMENT, LEARNING AND SKILLS POLICY AND PERFORMANCE BOARD**

**Strategic Priority** – To develop policy and monitor performance in relation to the Council's objectives for employment, learning and skills in Halton.

1. In relation to the following policies, responsibilities and functions of the Council:

### **Corporate Policies/Responsibilities**

- Arts and Cultural Policy
- Sports Strategy
- Adult Learning and Skills Enhancement
- Worklessness Strategy and improving access to employment, eg skills preparation for work
- Employment, learning and skills aspects of the Local Area Agreement
- Voluntary Sector Liaison

## Functions

- Library Services
- Education (non-children)
- Culture and Leisure Services
- Business Development
- Community Development and Capacity Building

the Board will:

- (i) initiate new policy proposals for consideration by the Executive Board/Council;
- (ii) monitor and comment on performance;
- (iii) review and make recommendations on existing policies;
- (iv) promote public confidence in the Council's services;
- (v) hold Executive Board Members and senior officers to account;
- (vi) monitor Executive Board compliance with agreed policies;
- (vii) ensure adherence to the priorities in the Council's Corporate Plan.
- (viii) receive a report on any petitions received by the Council relating to the Board's policy area and on any action taken or proposed to be taken by the Executive (or Executive Board Sub-Committees, Portfolio Holder, or an officer acting under delegated powers).

2. To receive representation, evidence or expert opinion from outside the Council and to draw conclusions from such representations to the attention of the Executive Board/Council as appropriate;

3. To consult the public where appropriate in relation to Council services which fall within the terms of reference of the Policy and Performance Board.

4. To review any area of income and expenditure which falls within the remit of the Policy and Performance Board.

5. To make recommendations to the Executive Board on the financial aspects of the proposals, which fall within the remit of the Policy and Performance Board.

6. To require the Executive Board where appropriate to make a report to the Council on any decision not included in the Forward Plan which the Policy and Performance Board consider should have been included in the Forward Plan.

7. The Chair of the Policy and Performance Board will receive papers relating to a decision which is on the Forward Plan when this Forward Plan is finalised and published.

8. To examine systematically the services of the Council, within the remit of the Board, in order to assess their efficiency, effectiveness, economy, quality and value for money.

9. To draw up an annual programme of performance review to respond to briefs on performance review of specified activities and to develop programmes and

performance monitors to ensure quality in all the Council's dealings with the public and external organisations.

10. To consult with the Executive on any plan or strategy including strategic policy.

11. To monitor the citizens charter and complaints procedure and make recommendations to the Executive Board.

12. To provide informed input in response to requests from the Executive Board for advice, options and appraisal on matters falling within the remit of the Policy and Performance Board.

13. To authorise expenditure on civic hospitality up to maximum of £500 per annum.

## **7. POWERS AND DUTIES OF THE CHILDREN AND YOUNG PEOPLE POLICY AND PERFORMANCE BOARD**

**Strategic Priority** – To develop policy and monitor the Council's objectives for children and young people in Halton.

1. In relation to the following policies, responsibilities and functions of the Council:

### **Corporate Policies/Responsibilities**

- Children and Young People's Plan
- Youth Justice Plan
- Children and Young People's aspects of the Local Area Agreement

### **Functions**

- All educational functions
- Schools
- Youth Service and Connexions
- Children's Social Care
- 14-19 Years
- Children's Centres and Extended Schools
- Youth Offending Team
- Children's Mini Trusts

the Board will:

- (i) initiate new policy proposals for consideration by the Executive Board/Council;
- (ii) monitor and comment on performance;
- (iii) review and make recommendations on existing policies;
- (iv) promote public confidence in the Council's services;
- (v) hold Executive Board Members and senior officers to account;
- (vi) monitor Executive Board compliance with agreed policies;
- (vii) ensure adherence to the priorities in the Council's Corporate Plan.
- (viii) receive a report on any petitions received by the Council relating to the Board's policy area and on any action taken or proposed to be taken by the Executive (or Executive Board Sub-Committees, Portfolio Holder, or an officer acting under delegated powers).

2. To receive representation, evidence or expert opinion from outside the Council and to draw conclusions from such representations to the attention of the Executive Board/Council as appropriate;
3. To consult the public where appropriate in relation to Council services which fall within the terms of reference of the Policy and Performance Board.
4. To review any area of income and expenditure which falls within the remit of the Policy and Performance Board.
5. To make recommendations to the Executive Board on the financial aspects of the proposals, which fall within the remit of the Policy and Performance Board.
6. To require the Executive Board where appropriate to make a report to the Council on any decision not included in the Forward Plan which the Policy and Performance Board consider should have been included in the Forward Plan.
7. The Chair of the Policy and Performance Board will receive papers relating to a decision which is on the Forward Plan when this Forward Plan is finalised and published.
8. To examine systematically the services of the Council, within the remit of the Board, in order to assess their efficiency, effectiveness, economy, quality and value for money.
9. To draw up an annual programme of performance review to respond to briefs on performance review of specified activities and to develop programmes and performance monitors to ensure quality in all the Council's dealings with the public and external organisations.
10. To consult with the Executive on any plan or strategy including strategic policy.
11. To monitor the citizens charter and complaints procedure and make recommendations to the Executive Board.
12. To provide informed input in response to requests from the Executive Board for advice, options and appraisal on matters falling within the remit of the Policy and Performance Board.
13. To authorise expenditure on civic hospitality up to maximum of £500 per annum.

## **8. POWERS AND DUTIES OF THE SAFER HALTON POLICY AND PERFORMANCE BOARD**

**Strategic Priority** - To develop and monitor performance in relation to the Council's objectives for a safer Halton.

1. In relation to the following policies, responsibilities and functions of the Council:

### **Corporate Policies/Responsibilities**

- Crime and Disorder
- Alcohol Reduction Strategy
- Drugs Strategy
- Emergency and Contingency Planning
- Domestic Violence Strategy
- Safer and Stronger aspects of the Local Area Agreement
- Waste Strategy

### **Functions**

- To carry out, on behalf of the Council, the scrutiny of the policies and activities of the following services so far as they have an impact on the residents of the area:
  - Police
  - Fire
  - Probation/Community Punishment Service
  - Criminal Justice System
- Community Safety Team
- Drug and Alcohol Action Team
- Registration Service
- Consumer Protection (including employees in the workplace) and Trading Standards
- Risk and Emergency Planning
- Cemeteries and Crematoria
- Environmental and Regulatory Services
- Road Safety

the Board will:

- (i) initiate new policy proposals for consideration by the Executive Board/Council;
  - (ii) monitor and comment on performance;
  - (iii) review and make recommendations on existing policies;
  - (iv) promote public confidence in the Council's services;
  - (v) hold Executive Board Members and senior officers to account;
  - (vi) monitor Executive Board compliance with agreed policies;
  - (vii) ensure adherence to the priorities in the Council's Corporate Plan.
  - (viii) receive a report on any petitions received by the Council relating to the Board's policy area and on any action taken or proposed to be taken by the Executive (or Executive Board Sub-Committees, Portfolio Holder, or an officer acting under delegated powers).
2. To receive representation, evidence or expert opinion from outside the Council and to draw conclusions from such representations to the attention of the Executive Board/Council as appropriate;
  3. To consult the public where appropriate in relation to Council services which fall within the terms of reference of the Policy and Performance Board.

4. To review any area of income and expenditure which falls within the remit of the Policy and Performance Board.
5. To make recommendations to the Executive Board on the financial aspects of the proposals, which fall within the remit of the Policy and Performance Board.
6. To require the Executive Board where appropriate to make a report to the Council on any decision not included in the Forward Plan which the Policy and Performance Board consider should have been included in the Forward Plan.
7. The Chair of the Policy and Performance Board will receive papers relating to a decision which is on the Forward Plan when this Forward Plan is finalised and published.
8. To examine systematically the services of the Council, within the remit of the Board, in order to assess their efficiency, effectiveness, economy, quality and value for money.
9. To draw up an annual programme of performance review to respond to briefs on performance review of specified activities and to develop programmes and performance monitors to ensure quality in all the Council's dealings with the public and external organisations.
10. To consult with the Executive on any plan or strategy including strategic policy.
11. To monitor the citizens' charter and complaints procedure and make recommendations to the Executive Board.
12. To receive an annual report on CCTV issues.
13. To provide informed input in response to requests from the Executive Board for advice, options and appraisal on matters falling within the remit of the Policy and Performance Board.
14. To authorise expenditure on civic hospitality up to maximum of £500 per annum.

## **9. CRITERIA FOR ALL POLICY AND PERFORMANCE BOARDS**

In carrying out their functions, policies and responsibilities the Policy and Performance Boards shall have regard to:-

1. The need to maintain effective and beneficial relationships with the European Community and subsidiary organisations.
2. The principles and practice of Best Value, value for money and economy, efficiency and effectiveness at all appropriate times.
3. The need to ensure equality of opportunity in the delivery of services by the Council.

4. The Plans referred to in paragraph 38 of the matters reserved to the Council including the strategic policy framework of the Council.

## **10. POWERS AND DUTIES OF THE BUSINESS EFFICIENCY BOARD**

1. To draw up an Efficiency Strategy for the Authority based on Gershon principles ensuring that it meets its statutory requirements for securing Best Value in all that it does and complies with the requirements placed on it in relation to Annual Efficiency Statements.

2. To draw up and oversee a programme of reviews aimed at securing continuous improvement in the efficiency and effectiveness of Council services.

3. To promote partnership working and collaboration with other public and private bodies where that supports the Council's Efficiency Strategy.

4. To oversee the Council's preparations for any Comprehensive Performance Assessment (CPA) or subsequent corporate assessment process.

5. To monitor performance against the Council's Efficiency Strategy, particularly in relation to the identification of cashable and non-cashable gains.

6. To ensure the Council has processes in place to benchmark its activities and to learn from best practice to ensure continuous improvement in its performance.

7. To monitor the implementation of the Council's Procurement Strategy.

8. To act as the Council's Audit Committee with the following terms of reference:

- To ensure that the Council's arrangements for audit (both internal and external) are satisfactory for ensuring a high standard of corporate governance.
- To consider summaries of all internal and external audit activity (including the Head of Audit's annual report and opinion and the external auditor's annual audit letter) and to oversee the implementation of agreed recommendations.
- To make recommendations to the Council, the Executive Board and Chief Executive as necessary on the Council's audit and governance arrangements.
- To maintain an overview of the Council's constitution in respect of contract standing orders, financial regulations and matters of corporate governance, and to ensure that the Council's governance arrangements comply with best practice.
- To monitor the effective development of risk management and corporate governance in the Council.
- To review the annual statement of accounts and consider the external auditor's report arising from the audit of the accounts, and to raise any issues or concerns that need to be brought to the attention of the Council in relation to the same.



9. To act as the Council's Closure of Accounts Committee.

## **11. POWERS AND DUTIES OF THE DEVELOPMENT CONTROL COMMITTEE**

Except where delegated to officers in respect of individual applications and particular cases:-

### **Development Control**

1. To exercise the powers and duties of the Council as local planning authority including those set out in (or in Regulations made thereunder) the Town and Country Planning Act 1990, the Planning (Listed Buildings) and Conservation Areas Act 1990, the Planning (Consequential Provisions) Act 1990, the Hazardous Substances Act 1990, the Planning and Compensation Act 1991, the Environment Act 1995, the Town and Country Planning (General permitted Development Order 1995), the Environmental Protection Act 1990, the Planning and Conservation Act 1991 as amended and the Planning and Compulsory Purchase Act 2004. In addition to exercise the functions of the Council in respect of archaeology and ancient monuments.
2. To exercise the powers and duties of the Council in respect of building control, building safety, demolition, fire precautions and safety of sports grounds under the Building Act 1984, the Building Regulations, and the Cheshire County Council Act 1980.
3. To determine observations on particular applications and other specific matters affecting land within the Borough which are requested by central government, other authorities and statutory undertakers.

### **General**

4. To pursue the principles and practice of Best Value at all times.
5. To consult the public where appropriate in relation to matters which fall within the terms of reference and powers and duties of the Committee.
6. To ensure equality of opportunity in the delivery of services by the Committee.
7. To produce an annual report on matters lying within the Committee's remit.

## **12. TERMS OF REFERENCE FOR THE APPEALS PANEL**

1. To pursue the principles of Best Value at all times.
2. To be responsible for monitoring, implementing and upholding the Council's Equal Opportunities Policy with particular reference to employment issues.
3. To hear and determine appeals in relation to any disciplinary, grievance, dispute or regrade processes (including appeals from teachers working in schools with

or without a delegated budget) and any other appeals made in connection with employment issues.

4. To hear and determine all other appeals and decision review processes including the following appellate and decision review functions:-

1. Housing Homelessness and Housing Discretionary Awards
2. School Transport
3. Contracts

### **13. STANDARDS COMMITTEE**

1. To promote and maintain high standards of conduct by the members and co-opted members of the authority .
2. To assist members and co-opted members of the authority to observe the authority's Code of Conduct.
3. To advise the authority on the adoption or revision of the Code of Conduct.
4. To monitor the operation of the authority's Code of Conduct.
5. To advise, train or arrange to train members of the authority on matters relating to the authority's Code of Conduct.
6. To consider matters referred to it by ethical standards officers in accordance with the relevant statutory enactments.
7. To investigate or arrange investigation of any complaints made by members, officers or members of the public in relation to the authority's Code of Conduct.
8. To decide disciplinary matters within the competence of the Committee.

### **14. APPOINTMENTS COMMITTEE**

1. To deal with Appointments, Disciplinary Matters and Dismissals relating to the Head of Paid Service, Strategic Directors, and Operational Directors, the Council Solicitor and Monitoring Officer and Operational Director - Human Resources as set out in the Officer Employment Procedure Rules and subject to the Standing Orders relating to Staff.
2. To deal with all matters concerning the pay and terms and conditions of staff (including procedures for dismissal), except to the extent that such matters are delegated to others under the Standing Orders relating to Powers of Proper Officers and Delegation to Officers or fall to be dealt with by the Council's Appeals Panel under the Standing Orders relating to Powers and Duties of Executive Boards, Policy and Performance Boards, Committees and Forums and Panels.

3. To consider and deal with requests for ill-health retirement in respect of the Head of Paid Service, Strategic Directors and Operational Directors, the Council Solicitor and Monitoring Officer, and the Operational Director - Human Resources and to approve any redundancy/severance arrangements in accordance with the Council's Policy (subject to the approval of full Council in the case of matters relating to the Chief Executive).

## **15. REGULATORY COMMITTEE**

### **15A Licensing matters within the scope of the Licensing Act 2003 and Gambling Act 2005 (where the Regulatory Committee acts as statutory Licensing Committee under that legislation)**

1. To act as the Council's Licensing Committee for the purposes of Section 6 Licensing Act 2003 (including its application to the Gambling Act 2005) and to discharge all of the licensing functions of the Council which are not reserved by statute for determination only by full Council in accordance with Section 7 Licensing act 2003 and Section 154 Gambling Act 2005.

### **15B Licensing matters not within the scope of the Licensing Act 2003 or the Gambling Act 2005**

The scope of these licensing matters is set out at Regulatory Committee Table 1. Note that those items shown in italics in the Table will become regulated by the Committee under the Gambling Act 2005 as from 1<sup>st</sup> September 2007.

1. To be responsible for determining and implementing the Council's policies in connection with the grant, variation, suspension or revocation of licences, permits or consents.
2. To decide upon individual applications relating to the grant, variation suspension or revocation of licences, permits or consents.
3. To take appropriate action in connection with breaches of conditions attached to licences, permits, consents or registrations.
4. To exercise the regulatory powers and duties of the Council in respect of safety of sports grounds under the Safety of Sports Grounds Act 1975.

### **General**

5. To pursue the principles and practice of Best Value at all times.
6. To consult the public where appropriate in relation to matters which fall within the terms of reference and powers and duties of the Committee.
7. To ensure equality of opportunity in the delivery of services by the Committee.
8. To produce an annual report on matters lying within the Committee's remit.

**15C Regulatory Sub-Committees – Licensing matters within the Scope of the Licensing Act 2003 but excluding matters within the scope of the Gambling Act 2005**

1. To determine an application for a personal licence if an objection is made.
2. To determine an application for a personal licence with unspent convictions.
3. To determine applications for premises licence/club premises certificate if a representation is made.
4. To determine an application for a provisional statement if a representation is made.
5. To determine an application to vary premises licence/club premises certificate if a representation is made.
6. To determine an application to vary designated premises supervisor if there is a police objection.
7. To determine an application for a transfer of premises licence if there is a police objection.
8. To determine applications for interim authorities if there is a police objection.
9. To determine applications to review premises licences/club premises certificates.
10. To object, if necessary, when the local authority is a consultee and not the relevant authority considering the application.
11. To determine a police objection to a temporary event notice.

**15D Regulatory Committee Sub-Committees – Licensing matters within the scope of the Gambling Act 2005 but excluding matters within the scope of the Licensing Act 2003**

1. To determine an application for a premises licence in respect of which representations have been made under section 161 (and not withdrawn).
2. To determine an application for the variation of a premises licence in respect of which representations have been made under section 161 as applied by section 187 (and not withdrawn).
3. To determine an application for transfer following representations by the Gambling Commission.

4. To determine an application for a provisional statement under section 204 in respect of which representations have been made under section 161 as applied by section 204 (and not withdrawn).
5. To determine a review of a premises licence under section 101.

## Regulatory Committee Table 1

(Jurisdiction other than within the Licensing Act 2003 and the Gambling Act 2005)

<b>Licence etc. type</b>	<b>What these licences etc. deal with</b>
Animal Boarding Establishments	Boarding establishments for dogs and cats.
Bingo (Amusements with Prizes)	Amusements with prizes (not involving gaming machines) which are within the monetary limits set out in section 16 Lotteries and Amusements Act 1976. Bingo is the most common example.
Dangerous Wild Animals	Keeping dangerous wild animals.
Dog Breeding	Keeping breeding establishments for dogs.
Game (Dealing in)	Dealing in game.
Game (killing)	Killing Game.
Gaming Machines	Gaming machines (fruit machines or one armed bandits) within the categories listed in section 34 Gaming Act 1968.
Hawkers	In designated places - touting for hotels and restaurants etc; hawking, selling or offering things for sale; trade photography; hiring vehicles, chairs, seats or animal rides.
Hypnotism	Exhibitions of hypnotism.
House to House Collections	Collections house to house for charitable purposes. "Collection" means an appeal to the public whether for consideration or not to give money or other property. "Charitable" includes charitable, benevolent or philanthropic purposes.
Lotteries	Societies' Lotteries which are within the monetary limits set down. Qualifying societies must be conducted wholly or mainly for charitable purposes; or the

	participation in or support of athletic sports or games or cultural activities; or other purposes which are neither for private gain nor for the purposes of a commercial undertaking.
Motor Salvage Operators	Recovery for re-use or sale of salvageable parts from motor vehicles and subsequent sale of scrap; purchase of written-off vehicles and their subsequent repair and re-sale.
Pet Shops	Keeping a pet shop.
Performing Animals	Exhibiting or training performing animals.
Riding Establishments	Keeping horses for being let out on hire for riding or instruction in riding.
Scrap Metal Dealers	Carrying on business of scrap metal dealer.
Sex Establishments	This includes sex cinemas and sex shops.
Street Collections	Collecting money or selling articles for charitable or other purposes in any street or public place.
Street Trading	Selling or exposing or offering for sale of any article (including a living thing) in a street. Note that there are nine categories of activity (e.g. news vending) which are excluded from the definition. But also note that some of these exceptions may still be caught by the Hawking category listed above.
Taxi and Private Hire	Licensing hackney carriage (taxis) vehicles and drivers and private hire vehicles, drivers and operators.

**STANDING ORDERS  
RELATING TO DUTIES OF PROPER OFFICERS  
AND DELEGATION TO OFFICERS**

**DUTIES OF PROPER OFFICERS**

1. The Halton Borough Council hereby appoints the Chief Executive, the Strategic Director – Corporate and Policy, Strategic Director – Children and Young People, Strategic Director – Environment and Strategic Director – Health and Community as the Proper Officers in relation to any reference in any enactment passed before or during the 1971/72 session of Parliament other than the Local Government Act 1972 or in any instruments made before 26th October 1972 to the Clerk of a Council or Town Clerk of a Borough Council respectively (in appropriate cases regard being had to the distribution of functions between them of functions previously undertaken by the Engineer to the Council) which by virtue of any provision of the said Act is to be construed as a reference to the proper officer of the Council.
  
2. The Halton Borough Council hereby appoints the following Officers (shown in column 3 below) to be the proper officers with respect to the associated functions described in columns 1 and 2 below (NB all references to the Council Solicitor in this Constitution shall include the Council Solicitor, and the Operational Director and Monitoring Officer (Legal, Organisational Development and Human Resources). In addition, all references to the Operational Director – Human Resources in this Constitution shall include the Operational Director – Human Resources, and the Operational Director and Monitoring Officer (Legal, Organisational Development and Human Resources)):-

**KEY**

SD-E	Strategic Director - Environment
SD-CaP	Strategic Director - Corporate and Policy
SD-CaYP	Strategic Director - Children and Young People
SD-HaC	Strategic Director - Health and Community
OD-HT	Operational Director - Highways Transportation and Logistics
OD - R	Operational Director – Economic Regeneration
OD - MP	Operational Director - Major Projects
OD-ERS	Operational Director – Environmental and Regulatory Services
OD-PP	Operational Director - Policy and Performance
OD-PrS	Operational Director - Property Services
OD-ECS	Operational Director - Exchequer and Customer Services
OD-FS	Operational Director - Financial Services
OD-HR	Operational Director – Human Resources
OD-HaP	Operational Director – Health and Partnerships
OD-CLS	Operational Director - Culture and Leisure
OD-AWA	Operational Director – Adults of Working Age

OD - OP	Operational Director – Older People/Physical and Sensory Disability Services
OD-LSI	Operational Director - Learning and School Improvement
OD-VC	Operational Director - Vulnerable Children
OD-CS	Operational Director – Community Services
OD-BPR	Operational Director – Business Planning and Resources

### Provisions of the Local Government Act 1972

Section 83	Receipt and taking of Declarations and Acceptance of Office by Members	Chief Executive
Section 84	Receipt of resignation from Members	Chief Executive
Section 88 (2)	To convene a meeting of the Council for the election of Chairman/Mayor of the Council where the Office of Chairman/Mayor is vacant as a result of a casual vacancy.	Chief Executive
Section 89(1)(b)	To receive Notice in writing from two local government electors for the area in connection with election to fill casual vacancy	Chief Executive
Section 96	Receipt of general notices and recording of disclosures of interests under Section 94	Chief Executive
Section 100(B)(2)	To exclude from public inspection documents which relate to items likely to be considered in private.	Chief Executive
Section 100 (B)(7)(c)	To supply to the press copies of documents supplied to Members of the Council.	Chief Executive
Section 100(C)(2)	To summarise business considered in private and report thereon to the Leader and Deputy Leader of the Council.	Chief Executive
Section 100(D)(1)(a)	To compile a list of background papers.	Chief Executive
Section	To determine which documents	Chief Executive



100(D)(5)	constitute background papers.	
Section 100(F)(2)	To decide which documents are to be made available to Members.	Chief Executive
Section 115	Receipt of money due from officers	OD-ECS
Section 146(1)	Statutory declarations and certificates relating to transfer of securities.	OD-FS
Section 151	Responsibility for the administration of the financial affairs of the Council.	OD-FS
Section 191	Receipt of applications under Section 1 Ordnance Survey Act 1841	OD-ERS
Section 204(3)	To receive Notice of application for a Justices' Licence under Schedule 2 to the Licensing Act 1964.	Council Solicitor
Section 210(6) and (7)	Responsibility for charity functions	OD-FS
Section 225	Receipt of and retention of official documents	Council Solicitor
Section 228	Arrangements for inspection of Minutes of Authority	Chief Executive
Section 229(5)	Certification of photographic copies of documents in legal proceedings	Council Solicitor
Section 234	Authentication of documents	All Operational Directors and Council Solicitor
Section 236(9) and (10)	Sending copies of every byelaw made by the Borough Council to relevant Parish Councils.	Council Solicitor
Section 238	Certification of byelaws	Council Solicitor
Section 248	To keep the roll of Freemen of the Borough.	Chief Executive
Section 249	Maintenance of Roll of Honorary Alderman	Chief Executive

Schedule para. 4(2)(b), and para 4(3)	12	Issue of summons to Members to attend Council meetings and receipt of notices regarding addresses.	Chief Executive
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Schedule para. 25(7)	14	To certify copy resolution of the Council as a true copy in connection with legal proceedings.	Council Solicitor
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Schedule para. 41	29	Exercise of functions under Section 9 (1) and (2), 13 (2) (h) and 3 (b) and 20 (b) of the Registration Services Act 1953.	SD-CaH
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**Local Government Act 1974**

Section 30 (5)		Publication of reports of Local Commissioner	Chief Executive
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**Local Government (Miscellaneous Provisions) Act 1976**

Section 41		Certification of copies of resolutions, Minutes and other documents	Council Solicitor
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**Provision of the Highways Act 1980**

Sections and 211	205	Private Street Works Code	OD-HT
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**Local Elections (Principal Areas) Rules 1973**

Rule 47		Receipt from Returning Officer of the names of persons elected to the Council.	Chief Executive
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Rule 49		Receipt from Returning Officer of election documents	Chief Executive
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Rule 51		Retention of election documents and making them available for public inspection.	Chief Executive
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**Provisions of the Building Act 1984**

Section 78		Dangerous buildings – emergency measures	OD-ERS
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(a) Various purposes with regard to drainage, water supply, and sanitary accommodation.	OD-ERS
(b) Purposes relating to building control.	OD-ERS

### **Provisions of the Housing Act 1985**

Section 351	Authentication of copies of registration schemes in connection with legal proceedings.	Council Solicitor
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### **Provisions of the Local Government and Housing Act 1989**

Section 2	Receipt of list of politically restricted posts.	Operational Director - Human Resources
Section 4	Head of Paid Service	Chief Executive
Section 5	Monitoring Officer	Council Solicitor
Sections 15 to 17	Receipt of various notices relating to political groups under relevant regulations.	Chief Executive
Section 18	Implementation of Scheme of Members' Allowances	Chief Executive
Section 19	Receipt of Notices regarding Members' interests.	Chief Executive

### **Registration Service Act 1953**

Section 13	Discharging the functions of the proper officer with regards to the local organisation of the registrars' service.	Divisional Manager – Consumer Protection
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### **Civil Partnership Act 2004**

Overall legal and operational responsibility for the delivery of civil partnership registrations and related issues.	Divisional Manager – Consumer Protection
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### **Environmental Protection Act 1990**

Section 149	Discharging the functions in the section for dealing with stray dogs.	SD-E
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The Chief Executive, or any officer designated to be the Proper Officer of the Council for a particular purpose, may give authority in writing to another officer of the Council to act on behalf of the said proper officer for any of the purposes specified in such written authority for which the said proper officer was appointed.

The Chief Executive may appoint another officer to be the acting Chief Executive in his/her absence.

References in this part of the Standing Orders to a particular piece of legislation shall extend to legislation that replaces or amends that legislation.

### **DELEGATIONS TO OFFICERS**

Officers named shall carry out the following functions on behalf of the appropriate Forums and Panels, boards or committees, in accordance with the following principles and conditions:

- (i) Powers shall be exercised in accordance with Standing Orders and Financial Regulations of the Council, and are additional to those conferred in Standing Orders and Financial Regulations.
- (ii) The Officer exercising such power shall give effect to any resolution of the Council upon any matter of principle or policy in relation to the functions concerned.
- (iii) Where an Officer is authorised to make a decision such decision need not necessarily be taken personally by that Officer and may be further delegated provided that a suitable record shall be kept of all Officers so authorised such record to be copied to the Monitoring Officer.
- (iv) In any case, where the Officer exercising the power considers that a new departure in policy is likely to be involved or if the implications are such that the Officer considers, after consulting the appropriate Strategic Director or Chief Executive, that reference should be made to Members the matter shall be referred to the appropriate panel, board or Committee for consideration.
- (v) That the Chief Executive and each Strategic Director be authorised to incur expenditure up to a maximum of £500 for the purposes of providing civic hospitality.
- (vi) Delegated powers be granted to the Leader in consultation with the Chief Executive to amend the Terms of Reference of the Council, Executive Board, Policy and Performance Boards and related Committees by addition, adjustment or deletion of functions in the interests of ensuring fully accountable provision of local services consistent with the principles of best value, economy, efficiency and effectiveness.

The above power may be exercised either to change the scheme generally or specifically in relation to a particular case or set of facts.

Where this power is exercised a report shall be submitted to the next meeting of the Council.

- (vii) All the delegations to officers may be exercised by the named officer, officer of the same grade within the directorate and any officer on a more senior grade within the directorate or the Chief Executive (or his/her nominee) in the absence of the named officer.
- (viii) References in this part of the Standing Orders to a particular piece of legislation shall extend to legislation that replaces or amends that legislation.
- (ix) All delegations relating to Personnel matters will be exercised in consultation with the Operational Director - Human Resources or his delegated representative (including grievances and disciplinary matters)

**(Matters relating to Council Policy)**

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| 1. To manage the Council's Local Land Charges Function and the Registration of Commons and Village Greens.  | Council Solicitor                      |
| 2. To receive notices by Officers disclosing pecuniary interests in contracts and other matters in accordance with Section 117 Local Government Act 1972.       | Operational Director - Human Resources |
| 3. To implement the Community Strategy.   | Chief Executive                        |
| 4. To implement the Local Area Agreement.   | All SDs, Chief Executive and OD-PP     |
| 5. To implement the Council's Corporate Plan.   | Chief Executive                        |
| To take all necessary administrative and operational steps to implement Neighbourhood Management in Halton Lea, Castlefields, Windmill Hill and Central Widnes. | OD-PP                                  |
| 4. To implement the Council's Communications and Marketing Strategy.  | OD-PP                                  |
| 5. To implement the Council's European and Regional Strategies.   | OD-PP                                  |
| 6. To progress the Council's twinning activities.   | OD-PP                                  |

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| 7. To take all necessary administrative and operational steps to deliver the Council's Corporate Risk Management Strategy and Business Continuity Strategy.  | OD-PP   |
| 8. To exercise voting rights on behalf of the Council where the Council is the shareholder of a company.   | Chief Executive   |
| 9. To implement the Council's Community Safety Strategy and to exercise the powers and duties of the Council under the Crime and Disorder Act 1998   | Chief Executive   |
| 10. To act as authorising officer and issue authorisations under the Regulation of Investigations Powers Act 2000  | Chief Executive and such other Officers as he may nominate for this purpose   |
| 11. To implement the Council's Procurement Strategy.   | SD-CaP  |
| To implement the Council's Accommodation Strategy.   | SD-CaP in consultation with the Executive Board Member for Corporate Services                                       |
| 12. To implement the Council's Equal Opportunities Policy  | Council Solicitor   |
| 13. To implement the Council's Strategic Risk Management Strategy  | Council Solicitor   |
| 14. To authorise, institute, defend and conduct on behalf of the Council any legal proceedings (whether criminal or civil) and to take all other action necessary to protect and/or further the Council's interests. Without limiting the powers delegated under this paragraph, this delegation shall be taken to include the power to initiate, prosecute, defend and conduct proceedings on behalf of the Council under the Acts of Parliament (and Regulations made thereunder) and Regulations listed in Appendices A and B to these Standing Orders and such other Acts of Parliament and Regulations as may from time to time confer powers, duties or functions on the Council or Officers of the Council. | Council Solicitor (in consultation with the Executive Board Member for Corporate Services in Cases of sensitivity). |

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| 15. To act as the Council's money laundering reporting officer under the Proceeds of Crime Act 2002.   | Council Solicitor (or the Chief Internal Auditor in the Council Solicitor's absence).                                     |
| ? To institute legal proceedings for the Council under the Proceeds of Crime Act 2002.   | Council Solicitor (with the Trading Standards Officers/Consumer Protection Officers delegated as investigating officers). |
| 16. To make decisions in relation to the public interest under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.   | Council Solicitor   |
| 17. To make appointments to fill casual vacancies in respect of outside bodies.  | Chief Executive in consultation with the Council Leader.  |
| To approve and amend the Publication Scheme under section 19 Freedom of Information Act 2000   | SD-CaP  |
| In cases of urgency where it is not practicable to call an urgent meeting of the Mersey Gateway Executive Board, to take such action as may be necessary on behalf of the Mersey Gateway Executive Board in accordance with its terms of reference (see Appendix 4 of this Constitution), in consultation with the Leader of the Council, subject to the matter being reported to the first available meeting of the Mersey Gateway Executive Board. | Chief Executive   |

**(Matters relating to Economic Development and Regeneration)**

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| 18. To implement the Council's Economic Development and Tourism Strategy.         | OD-R   |
| 19. To implement the Council's Urban Renewal Strategy                             | SD-E   |
| 20. To implement the Council's involvement in its various Joint Venture Companies | OD-MP/OD-PS in consultation with the Council Solicitor |

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| 21. To take all necessary administrative and executive steps to implement the Council's strategies in relation to the economic and social development of the Borough. | Appropriate Strategic Director    |
| 22. To approve payments made pursuant to aid programmes and to issue grants funded by any governmental agency whether regional, national or European.                 | Appropriate Operational Directors |

**(Matters relating to Finance)**

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| 23. To manage all of the property portfolio of the Council, including the maintenance of Council buildings and the authorisation of transactions involving the acquisitions and disposal of interests in land where the value of the transaction does not exceed £100,000.  | OD-Pr.S   |
| 24. To exercise the powers, functions and duties of the Council, as Landlord in relation to applications for consent to assignments or underlettings of premises.   | OD- Pr.S. in conjunction with the Council Solicitor |
| 25. To exercise the Council's powers and duties in respect of markets.  | OD-Pr.S   |
| 26. To raise and repay loans including bank overdraft to meet the capital requirements of the Council for such amounts and on such terms as considered necessary. In addition to borrow or lend on a short-term basis in the most effective way to maximise the Council's cash flow position.   | OD-FS   |
| 27. To take all necessary steps relating to the demand, collection and recovery of rates, Community Charge and Council Tax and to issue all necessary notices and statements and to sign any documents and to institute civil and criminal proceedings on behalf of the Council as rating and Community Charge and Council Tax billing authority. | OD-ECS  |
| 28. To take decisions on applications under Section 44A Local Government Finance Act 1988 for adjustments to rates payable.   | OD-ECS  |



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| 29. To serve on the Valuation Officer Notices of Objection to any proposals for alteration to valuation list.   | OD-ECS  |
| 30. To make proposals for the alteration of the valuation list or for inclusion of particular properties in the valuation list. To sign valuation agreements.   | OD-ECS  |
| 31. To pay sums due from the Council.   | OD-ECS  |
| 32. To write off debts deemed to be irrecoverable not exceeding £100,000 in any one case and to write off debts which become necessary as a result of bankruptcy, dissolution, liquidation or where the debt becomes irrecoverable by operation of law. | OD-FS   |
| 33. To deal with all insurance matters, including the settlement of claims.   | OD-ECS  |
| 34. To arrange for the investment of any Council funds, subject to the requirements of the law.   | OD-FS   |
| 35. To approve applications for loans not exceeding £10,000.  | OD-FS   |
| 36. To take any action against any debtor which is considered appropriate in connection with the recovery of any debt owed to the Council.  | OD-ECS in consultation with the Council Solicitor |
| 37. To deal with the Council's operating and financial leasing arrangements.  | OD-FS   |
| 38. To implement annual wage/salary increases in accordance with National Conditions.   | OD-HR   |
| ? To trade for Landfill Allowances in consultation with the SD-E and the Portfolio Holders for Environment, Leisure and Sport, and Corporate Services.  | OD-FS   |

- ? For the purpose of LATS (Landfill Allowance Trading Scheme), to purchase or sell LATS provided that the cumulative face value of all such transactions (disregarding whether purchases or sales) in any financial year does not exceed £100,000 and subject to adequate budgetary provision having been made. OD-FS

To approve funding decisions in respect of Area Forums. Lead OD/SD in consultation with the Area Forum's Ward Members

**(Matters relating to Personnel)**

39. To advertise vacancies on the establishment in accordance with the existing grade of the post. Operational Director - Human Resources
40. To select, interview and appoint to all posts other than Operational Director and Divisional Manager. Relevant Divisional Manager in consultation with the Operational Director - Human Resources
41. To select, interview and appoint Divisional Managers. Relevant OD in consultation with the Operational Director – Human Resources
42. To authorise overtime working within approved budgets. Relevant Divisional Manager in consultation with the Operational Director - Human Resources
43. To appoint temporary and casual staff within approved budgets and after ensuring that normal recruitment procedures including advertising of posts are followed. Relevant Divisional Manager in consultation with the Operational Director - Human Resources
44. To authorise attendances of employees at training and study courses and to make arrangements for post entry training, including financial assistance and special leave for examination and revision. Relevant Divisional Manager in consultation with the Operational Director - Human Resources
45. To make decisions on applications for car purchase, loans or other arrangements approved by the Council. OD-ECS

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| 46. To grant concessionary leave on compassionate grounds up to seven days a year, in respect of any employee.   | Appropriate Divisional Manager in consultation with the Operational Director - Human Resources  |
| 47. To grant additional or accelerated increments to employees within their existing grade as a result of appropriate examination success and each year.   | Operational Directors within their respective directorates in consultation with the OD-HR   |
| 48. To award honoraria under the Scheme of Conditions of Service within approved budget  | Chief Executive and Strategic Directors within their respective directorates in consultation with the OD-HR                                   |
| 49. To exercise the functions of the Council in relation to the agreed grievance/disciplinary and appeals procedures.  | Appropriate Divisional Managers in consultation with the Operational Director - Human Resources   |
| 50. To consider requests for early retirement other than in respect of the Chief Executive, Strategic Directors and Operational Directors and approve appropriate severance/redundancy arrangements in accordance with Council policy. | Strategic Director in consultation with relevant Executive Board Member for Corporate Services and the Operational Director - Human Resources |
| 51. To consider requests for ill-health retirement other than Chief Executive, Strategic Directors and Operational Directors in accordance with Council policy.  | Strategic Director in consultation with Executive Board Member for Corporate Services and the Operational Director - Human Resources          |
| 52. To approve amendments to the establishment of the Council, including the creation and deletion of posts, within approved budgets and Council policies.   | Relevant Divisional Manager in consultation with Executive Board Member for Corporate Services and the Operational Director - Human Resources |

**(Matters relating to Council Tax and Housing Benefit)**

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| 53. To determine and grant applications for Council Tax Benefit. | OD-ECS |
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| 54. To administer the Housing Benefit System.   | OD-ECS   |
| <b>(Matters relating to Housing)</b>  |  |
| 55. To be responsible for housing nominations to Registered Social Landlords in accordance with the Council's Housing Allocations Policy.   | OD-HaP   |
| 56. To determine applications for caravan site licences in accordance with the Council's policy.  | OD-HaP   |
| 57. To determine applications for housing grants and loans under the Council's Private Sector Renewal Policy and approve applications for Disabled Facilities Grants up to £40,000.   | OD-HaP   |
| 58. To waive repayments of grant or to demand a reduced repayment if appropriate under relevant legislation.  | OD-HaP in consultation with the relevant Executive Board Member and the Council Solicitor and<br>OD- ECS |
| 59. To implement the Council's duties relating to the homeless and the provision of housing advice under relevant legislation.  | OD-HaP   |
| 60. To serve notices under Part VI and IX of the Housing Act 1985, and to take all requisite steps to ensure compliance with the notices (including carrying out work in default and legal proceedings, repair notices and slum clearance). | OD-HaP in conjunction with the Council Solicitor.  |
| 61. To serve notices and maintain records in relation to Houses in Multiple Occupation as required under the Housing Act 2004, and to take necessary steps to ensure compliance with such notices.<br>(Houses in multiple occupation.)      | OD-HaP in conjunction with the Council Solicitor   |
| 62. To exercise on behalf of the Council the powers of entry in Sections 54 and 395 of the Housing Act 1985.  | OD-HaP   |
| 63. To take emergency action in respect of any premises in such a state or condition as to constitute a danger or nuisance to the occupier or owners of such premises or to members of the public in general.                               | OD-HaP   |

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| 64. To allocate pitches at Riverview Gypsy site in accordance with the Council's policy.                | OD-HaP   |
| 65. To take action to serve notice on unauthorised persons staying at Riverview Gypsy Site.             | OD-HaP in conjunction with the Council Solicitor |
| ? To exercise the Council's powers to licence Houses in Multiple Occupation under the Housing Act 2004. | OD-HaP   |

**(Matters relating to Culture and Leisure Services)**

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| 66. To manage and regulate the use of the Council's parks, allotments, recreation grounds, open spaces, picnic grounds, play centres, tourist information centres, public halls, and all other places made available by the Council for the purpose of exhibitions, conferences or other social or community functions, including leisure and swimming pools. | OD-CLS |
| 67. To manage and regulate the use of the Council's play centres.   | OD-CS  |
| 68. To manage and regulate the use of the Council's tourist information centres.  | OD-R   |
| 69. To manage and regulate the use of public libraries.   | OD-CLS |
| 70. To make suitable provision for the takeover and future maintenance of areas of open space in any agreement under Section 106 of the Town & Country Planning Act, 1990 and under the Open Spaces Act, 1906, or by negotiation.   | OD-ERS |

**(Matters relating to Planning and Transportation)**

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| 71. To determine applications for an approval required by a development order or by a condition imposed on the grant of planning permission.                          | OD-ERS |
| 73. To determine applications for consent under Section 198 of the Town & Country Planning Act, 1990 for the cutting down, topping, lopping, or destruction of trees. | OD-ERS |

74. To make Orders and confirm unopposed Orders under Section 198 of the Town & Country Planning Act, 1990 (Tree Preservation). OD-ERS
75. To determine applications for consent under regulations under Section 220 of the Town & Country Planning Act, 1990 (Advertisements). OD-ERS
76. To determine any matters under the Building Act, 1984, or any re-enactment thereof, or any Statutory Instruments, Regulations or Orders made thereunder or continued in force thereby in relation to building regulations. By way of illustration these matters include:  
 Sections 1, 8 and 16 – Determination of applications for Building Regulation Consent; applications for dispensation from, or relaxation of, Building Regulation requirements.  
 Sections 35 and 36 – Prosecution of offences (and removal of offending work) under the Building Regulations in consultation with the Council's Solicitor.  
 Sections 77 and 78 – Notices and action in respect of dangerous buildings and structures.  
 Section 81 – Notices in respect of demolition.  
 Sections 47-54 – Monitoring of building work supervised by approved inspectors.  
 Sections 10, 15, 18, 19, 20, 21, 24, 25, 32, 33, 71, 72, 73, 74, 95, 96 and 107. OD-ERS
77. To serve Notices under Section 330 of the Town & Country Planning Act 1990 (information as to interests in premises). OD-ERS
78. To determine variations to plans approved for the purposes of planning control. OD-ERS
79. To exercise the functions of the Council as hazardous substances authority under the Hazardous Substances Act 1990. OD-ERS
80. To exercise the Council's powers, functions and duties under the provision of Sections 23 and 24 of the Local Government (Miscellaneous Provisions) Act 1976 relating to dangerous trees. OD-ERS

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| <p>81. To exercise the Council's powers and duties and to determine all matters having regard to approved Council policies, standards and guidance within the powers and duties of the Development Control Committee under the Principal Act and the consolidating Acts as defined by the Planning (Consequential Provisions) Act 1990 together with any Regulations made thereunder other than (in relation to an application) which:</p> <ul style="list-style-type: none"> <li>(a) is a notifiable departure from the approved development plan;</li> <li>(b) any Member requests (for planning purposes) in writing should be presented to the Committee;</li> <li>(c) is submitted by or on behalf of a Member</li> <li>(d) is submitted by or on behalf of an employee within the Environment Directorate or any other employee of the Council who is directly involved in the planning process;</li> <li>(e) is submitted by the Council for development of land or other Council assets involving a disposal of a Council interest;</li> <li>(f) involves more than 10 residential units;</li> <li>(h) involves non-residential development exceeding 1,000 square metres of building footprint.</li> </ul> | <p>OD-ERS</p>   |
| <p>82. To determine applications for approval of reserved matters.</p>  | <p>OD-ERS</p>   |
| <p>83. To give effect to Committee decisions to include conditions and reasons for refusal by drafting conditions, grounds of refusal, etc. consequent upon Committee decisions..</p>   | <p>OD-ERS</p>   |
| <p>84. To determine applications for grants for listed buildings.</p>   | <p>OD-ERS</p>   |
| <p>85. To take emergency action in respect of contraventions of Tree Preservation Orders and Listed Building Orders.</p>  | <p>OD-ERS in consultation with the Council Solicitor</p>  |
| <p>86. To issue and serve Enforcement Notices, Stop Notices and Waste Land Notices in respect of Sections 172, 183 and 215 of the Town &amp; Country Planning Act, 1990.</p>  | <p>OD-ERS in consultation with the Council Solicitor.</p> |

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| 87. To exercise the Council's powers under Article 3 Town and Country Planning (General Development Procedure) Order 1995 (to require further details on an application for outline permission).                                 | OD-ERS  |
| 88. To serve Notices under Section 54 of the Town & Country Planning (Listed Buildings & Conservation Areas, Act 1990 (urgent repairs to listed buildings).  | OD-ERS<br>in consultation with the<br>Council Solicitor |
| 89. To effect urgent preservation works on listed buildings.   | OD-ERS  |
| 90. To serve Repairs Notices under Section 48 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990.   | OD-ERS in consultation<br>with the Council Solicitor    |
| 91. To serve Building Preservation Notices.  | OD-ERS in consultation<br>with the Council Solicitor    |
| 92. To exercise the Council's powers, functions and duties under the provisions of Section 16 of the Local Government (Miscellaneous Provisions) Act, 1976 relating to the power to require information as to interests in land. | Council Solicitor in<br>consultation<br>with the OD-ERS |
| 93. To exercise the Council's powers and duties under the Safety of Sports Grounds Act including the powers of entry conferred by Section 11 of that Act.  | Chief Executive   |
| 94. To determine whether an environmental assessment is required for any planning application under the appropriate regulations.   | OD-ERS  |
| 95. To seek but except as otherwise authorised, not to determine permission for development under the Town & Country Planning General Regulations 1992 (applications by the Local Planning Authority).                           | OD-ERS  |



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| <p>96. To exercise the provisions of<br/>         Section 196B (Obtaining Warrants for Rights of Entry)<br/>         Section 196C(2) (Prosecution of Persons Wilfully Obstructing Right of Entry)<br/>         Section 214C (Obtaining Warrant for Rights of Entry in connection with preservation of trees).<br/>         Section 187A (Breach of Condition Notices)<br/>         Sections 191 to 194 (Certificates of Lawful Use or Development)<br/>         Section 171C (Planning Contravention Notices)</p> | <p>OD-ERS in consultation with the Council Solicitor</p> |
| <p>97. To exercise the following provisions of the Town &amp; Country Planning Act 1990 as amended.<br/>         Section 173A (Withdrawal and Variation of Enforcement Notices)<br/>         Section 196A and Section 196C(1) and (3) to (A) (Rights of Entry for Enforcement Purposes)<br/>         Section 214B and Section 214D(1) and (2) (Rights of entry in Connection with Preservation of Trees).</p>   | <p>OD-ERS in consultation with the Council Solicitor</p> |
| <p>98. To deal with applications, to erect overground wires, to place structures on or under the footway, to place cables and pipes under the highway and to erect directional signs.</p>   | <p>OD-HT</p>   |
| <p>99. To erect traffic warning and informative signs.</p>  | <p>OD-HT</p>   |
| <p>100. To deal with dangerous trees on or abutting the highway.</p>  | <p>OD-HT</p>   |
| <p>101. To deal with the dedication or transfer of land into the public highway.</p>  | <p>OD-HT in consultation with the Council Solicitor</p>  |
| <p>102. To make minor amendments to parking schemes for redevelopment purposes.</p>   | <p>OD-HT in consultation with the Council Solicitor</p>  |
| <p>103. To agree the adoption of roads and sewers.</p>  | <p>OD-HT in consultation with the Council Solicitor</p>  |

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| 104. To exercise the powers and duties of the Council under Part II of the Road Traffic Regulation Act 1984 (temporary prohibition or restriction of traffic on roads, including prohibition or restriction in connection with certain special events) and Section 21 of the Town Police Clauses Act 1847 (power to make orders for preventing obstructions in the streets during public processions, etc.). | OD-HT |
| 105. To exercise the Council's powers and duties under the provisions of the following sections of the Local Government (Miscellaneous Provisions) Act 1976:-<br><br>Section 2 (Control of Scaffolding on Highways)<br>Section 8 (Power to take emergency action in relation to derelict buildings)<br>Section 25 (Control of dangerous excavations)   | OD-HT |
| 106. To exercise the powers and duties of the Council relating to the naming of streets and the allocation of house numbers  | OD-HT |
| 107. To exercise the Powers and Duties of the Council under Part 9 of the Highways Act, 1980 (Prevention of damage to or interference with Highways).  | OD-HT |
| 108. To operate the provisions of the New Roads and Street Works Act 1991.   | OD-HT |
| 109. To exercise the powers and duties of the Council under of the Land Drainage Acts 1991 and 1994  | OD-HT |
| 110. To exercise the powers and duties of the Council under the Water Industry Act 1991.   | OD-HT |
| 111. To exercise the powers and duties of the Council under the Transport Act 1985 and Transport Act 2000 in accordance with the policies of the Council.  | OD-HT |
| 112. To exercise the powers and duties of the Council under the Traffic Management Act 2004 in accordance with the policies of the Council.  | OD-HT |

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| 113. To exercise the powers and duties of the Council as Highways Authority, Traffic Authority, Street Authority and Street Works Authority.                                    | OD-HT                                    |
| 114. To exercise the powers and duties of the Council under the Hedgerow Regulations 1997.  | OD-P                                     |
| 115. To exercise the powers and duties of the Council in connection with Common Land and Town/Village Greens.   | Council Solicitor                        |
| 116. To determine any matters under the Reservoirs Act 1975   | OD-HT                                    |
| 117. To exercise the Council's powers and duties under Part III of the Wildlife and Countryside Act 1981 (Public Rights of Way)   | OD-HT                                    |
| <b>(Matters relating to Licensing)</b>  |  |
| 118. To grant (but not refuse or revoke) licences, registrations consents and permits under all relevant Acts and Regulations.  | Council Solicitor                        |
| 119. To register operators to carry on the Tattooing, Body and Ear-piercing or Electrolysis under the Local Government (Miscellaneous Provisions) Act 1982                      | OD-ERS                                   |
| 120. To issue licences to Deal in Game under The Game Act 1831 – Game Licenses Act 1860.  | Council Solicitor                        |
| 121. To serve Notices relating to infectious diseases under the appropriate Regulations.  | OD-ERS                                   |
| 122. To serve notice and discharge duties under the Animal Health Act 1981 – articles 13 and 14 of the Rabies (Import of Dogs, Cats and Other Mammals) Order 1974 (as amended). | OD-ERS/All Environmental Health Officers |

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| 123. That, subject to prior notification of the names of those concerned to the SD-E, all “Cheshire and Merseyside Health Protection Team Consultants” and “nominated deputies for the Director of Public Health” be designated Proper Officers for (1) the Public Health (Control of Diseases) Act 1984 and the Public Health (Infectious Diseases) Regulations 1988, and (2) the National Assistance Act 1948 and the National Assistance (Amendment) Act 1951 (including in all cases any amending and replacement legislation). | OD-ERS                                   |
| 124. To exercise the powers and duties of the Council under Part 8 of the Anti-Social Behaviour Act 2003 in relation to high hedges.  | OD-ERS                                   |
| 125. To discharge the powers and duties of the Council under Sections 1 to 40 and 58 of the Clean Air Act 1993.   | OD-ERS                                   |
| 126. To discharge the powers and duties of the Council under Sections 46 - 48 of the Public Health (Control of Disease) Act, 1984.  | OD-ERS                                   |
| 127. To discharge the powers and duties of the Council under the Imported Food Regulations 1984 and any subsequent Regulations  | OD-ERS/All Environmental Health Officers |
| 128. To exercise the provisions of the Building Act 1984 (Sections 59, 60, 62, 64, 65, 76, 79, 80, 81, 82, 84 & 85); Local Government (Miscellaneous Provisions) Act 1976 (Section 16); Local Government (Miscellaneous Provisions) Act 1982 (Section 29); Shops Act 1950 (Section 71) Scrap Metal Dealers Act 1964 (Section 6) Public Health Act 1936 (Sections 275 & 291). Prevention of Damage by Pests Act 1949 Public Health Act 1936, Sections 35 & 50. Public Health Act 1961 Sections 17, 22, 34, 36 and 37.                | OD-ERS                                   |

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| <p>129. To exercise the following provisions:<br/>         Environmental Protection Act 1990 (S80 and 81) as amended by the Noise and Statutory Nuisance Act 1993<br/>         Noise Act 1996<br/>         Shops Act 1950 (S71)<br/>         Refuse Disposal (Amenity) Act 1978 (S2).</p> | <p>OD-ERS</p>   |
| <p>130. To exercise the provisions of Sections 57, 91 and 92 of the Control of Pollution Act 1974.</p>  | <p>OD-ERS/All Environmental Health Officers</p>                       |
| <p>131. To exercise the provisions of Sections 60, 61, 76, 79, 80, 82 &amp; 93 of the Control of Pollution Act 1974.</p>  | <p>OD-ERS</p>   |
| <p>132. To exercise the provisions of Sections 60(8), 61(5) &amp; (10), 68, 69, 78, 80(7) and 93(3) of the Control of Pollution Act, 1974.</p>  | <p>OD-ERS<br/>         in consultation with the Council Solicitor</p> |
| <p>133. To exercise the powers and duties of the Council under the Refuse Disposal (Amenity) Act 1978.</p>  | <p>OD-ERS</p>   |
| <p>134. To exercise the provisions of Section 35 of the Local Government (Miscellaneous Provisions) Act 1976 (removal of obstructions from sewers).</p>   | <p>OD-ERS</p>   |
| <p>135. To serve notices under Section 20 of the Local Government (Miscellaneous Provisions) Act 1976 (provision of sanitary accommodation at places of public entertainment).</p>  | <p>OD-ERS</p>   |
| <p>136. To serve notices/issue consents under the following Sections of the Building Act 1984:<br/><br/>         S66 Replacement of earth closets<br/>         S68 Erection of public conveniences<br/>         S70 Provision of food storage.</p>  | <p>OD-ERS</p>   |
| <p>137. To serve notices/issue consents under Schedule 27 Water Act 1989 (Provision of Water Supply).</p>   | <p>OD-ERS</p>   |

138. To enforce dogs byelaws and initiate proceedings under Part IV of the Environmental Protection Act 1990. OD-ERS
139. To issue authorisations and to serve notices under the Environmental Protection Act 1990. To issue permits and to serve notices under the Pollution Prevention and Control Act 1999. To exercise all the Council's powers and functions under Part IIA of the Environmental Protection Act 1990, and to appoint authorised officers under Section 108 of the Environment Act 1995 to enter premises and to exercise the powers contained in Part IIA of the Environmental Protection Act 1990 relating to contaminated land. OD-ERS
140. To nominate and authorise suitably qualified members of staff within the Environmental Health Division for carrying into effect relevant statutory provisions of, and/or to issue formal cautions for offences under, the Food Safety Act 1990 and statutes or regulations relating to food standards and food safety implemented by the European Communities Act 1972 OD-ERS
- To authorise any person to carry into effect and enforce the Health Act 2006 Chapter 1 and regulations made thereunder relating to smoke-free premises and vehicles. OD-ERS
141. To appoint appropriate officers as inspectors for carrying into effect relevant statutory provisions of the Health and Safety at Work etc. Act 1974 and to terminate any such appointment as necessary. OD-ERS
142. To act as a duly appointed inspector under section 19 of the Health and Safety At Work Etc Act 1974 for the purpose of instituting proceedings under section 38 of the Health and Safety At Work Etc Act 1974 Council Solicitor

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| <p>143. To authorise a person or persons to enter any premises accompanied by an inspector duly appointed by the Council under Section 19 of the Health and Safety at Work Etc Act 1974 (Expert Witness Authorisations).</p>  | <p>OD-ERS</p>                       |
| <p>144. To undertake the legal requirements in respect of the transfer of premises under the Health and Safety (Enforcing Authority) Regulations 1989.</p>  | <p>OD-ERS</p>                       |
| <p>145. To exercise all powers and functions conferred, imposed on, or transferred to the Council under the Pollution Prevention and Control Act 1999, and any regulations made under the Act, to respond to statutory consultations from the Environment Agency on Integrated Pollution Prevention and Control Permits, and to appoint authorised officers under Section 108 of the Environment Act 1995 to enter premises and exercise the powers for the purposes of Regulations made under the Pollution Prevention and Control Act 1999.</p> | <p>Council Solicitor/OD-ERS</p>     |
| <p>146. To act as the appointed Officer for the purposes of S.149(1) of the Environmental Protection Act 1990.</p>  | <p>OD-ERS</p>                       |
| <p>147. To act as authorised Officer for the purposes of S.149(2) of the Environmental Protection Act 1990.</p>   | <p>All Environmental Operatives</p> |

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| <p>148. To exercise the Council's powers, functions and duties under the Acts of Parliament listed in Appendix C to these Standing Orders, or any re-enactment thereof, or any Statutory Instruments, Regulations, Byelaws or Orders made thereunder or continued in force thereby and also such other powers and duties under such other Statutes, Statutory Instruments, Regulations, Byelaws or Orders as may from time to time be conferred upon Officers by the Council. To authorise any other Officer to exercise any of the powers granted under legislation listed in appendix C where this is necessary for the exercise of their day to day duties; to appoint and authorise suitably qualified and competent officers for the purpose of enforcement and administration of the legislation listed in appendix C; to authorise appropriately qualified officers to initiate legal proceedings necessary for the discharge of the Council's powers or duties and to respond to any appeal against the exercise of those powers or duties, subject to prior consultation with the Council Solicitor.</p> | <p>OD-ERS and such other officers authorised from time to time by the OD-ERS for this purpose</p> |
| <p>149. To deal with dangerous dogs under the Dangerous Dogs Act 1991.</p>  | <p>OD-ERS</p>   |
| <p>150. To serve notices under Section 77 Criminal Justice and Public Order Act 1994.</p>   | <p>OD-ERS</p>   |
| <p>151. To nominate and authorise officers of the Council and other persons to issue fixed penalty notices for littering offences under the Environmental Protection Act 1990 and dog fouling offences under the Dogs Fouling of Land Act 1996.</p>   | <p>OD-ERS</p>   |
| <p>152. To act as the Council's Chief Inspector of Weights and Measures under Section 72 of the Weights and Measures Act 1985.</p>  | <p>Divisional Manager – Consumer Protection</p>   |



153. To act as the Council's Deputy Chief Inspectors of Weights and Measures under Section 72 of the Weights and Measures Act 1985
- All Principal Trading Standards Officer
154. To act as the Council's Inspectors of Weights and Measures under Section 72 of the Weights and Measures Act 1985.
- All Trading Standards Officers (Including Senior and Principal Trading Standards Officers and the Divisional Manager – Consumer Protection plus Trading Standards Officers appointed by the neighbouring Warrington Borough Council
155. To exercise the statutory powers (including any relating to bereavement services, or consumer protection and trading standards) of enforcement, inspection or associated action or granting, amending, refusing, suspending and transferring any licences pursuant to the provisions of the legislation referred to in Appendix B to these Standing Orders
- Divisional Manager – Consumer Protection
156. To act as officers in the Borough and in the area of any other local authority for carrying out the functions devolving upon the Council under the Statutes listed in Appendix A and B to these Standing Orders, and any Statute extending or amending the same or incorporated therewith, or any re-enactment thereof, or any Statutory Instruments, Regulations, Byelaws or Orders made thereunder or continued in force thereby and also such other powers and duties under such other Statutes, Statutory Instruments, Regulations, Byelaws or Orders as may from time to time be conferred upon Officers by the Council.
- Divisional Manager – Consumer Protection, Principal and Senior Trading Standards Officers, Trading Standards Officers, Consumer Protection Officers.
157. To take action ancillary to and/or in the furtherance of the consumer protection and trading standards functions of the Council.
- Divisional Manager – Consumer Protection

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| <p>158. To issue formal cautions on behalf of the Council under the Acts of Parliament and Regulations made thereunder, set out in Appendices A and B to these Standing Orders and such other Acts of Parliament and Regulations made thereunder as may from time to time be conferred upon officers of the Consumer Protection Division by the Council.</p> | <p>Divisional Manager –<br/>Consumer Protection,<br/>Principal Trading Standards<br/>Officers</p>                |
| <p>159. To appoint one or more Public Analyst under the Food Safety Act 1990 and an Agricultural Analyst/Deputy Agricultural Analyst under the Agriculture Act 1970.</p>   | <p>SD-E/SD-HaC</p>   |
| <p>160. To exercise the powers, duties and functions of the Council as waste collection and waste disposal authority, and a Principal Litter authority.</p>  | <p>OD-ERS</p>  |
| <p>161. To waive or vary charges for the collection of bulky household items.</p>  | <p>OD-ERS in consultation with<br/>the Executive Board<br/>Member for<br/>Environment, Leisure<br/>and Sport</p> |
| <p>162. To exercise the powers and duties of the Council in relation to the burial and cremation of the dead.</p>  | <p>SD-HaC</p>  |
| <p>163. Except as otherwise provided, to determine all matters associated with, and to carry out, the consequential work associated with the discharge of the Council's Licensing functions.</p>   | <p>Council Solicitor</p>   |
| <p>164. To grant (but not refuse or revoke) applications for vehicles licences; drivers and operators licences under the Local Government (Miscellaneous Provisions) Act 1976 and to sign licences and consents, in accordance with the Council's declared policy.</p>   | <p>Council Solicitor</p>   |
| <p>165. To suspend vehicles, drivers or operators licences under Sections 60, 61 and 62 of the Local Government (Miscellaneous Provisions) Act 1976.</p>   | <p>Council Solicitor</p>   |

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| 166. To grant (but not refuse) applications for registration under the Betting, Gaming, and Lotteries Act, 1963 - 1984 and the Lotteries and Amusements Act 1976.  | Council Solicitor   |
| 167. To relax criteria for temporary periods consequent upon medical problems of, or long term leave of, drivers' and vehicle licence holders.   | Council Solicitor in consultation with the Chairman of the Regulatory Committee (all such action to be reported to the Committee) |
| 168. To grant (but not refuse) applications for street trading consents, to amend standard conditions and to renew consents with relaxation provisions under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. | Council Solicitor   |
| 169. To administer the Street Collections and House to House Collections legislation.  | Council Solicitor   |
| 170. To exercise the Council's enforcement powers and duties relating to taxi and private hire legislation.  | Legal Services Enforcement Officer(s), Legal Services Licensing Manager, Council Solicitor  |

**(Matters relating to the Licensing Act 2003)**

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| 171. To determine an application for a personal licence if no objection has been made.                                    | Council Solicitor |
| 172. To determine an application for premises/licence club premises certificate if no representation has been made.       | Council Solicitor |
| 173. To determine an application for a provisional statement if no representation has been made.                          | Council Solicitor |
| 174. To determine an application to vary a premises licence/club premises certificate in no representation has been made. | Council Solicitor |
| 175. To determine applications to vary designated premises supervisor where there has been no police objection.           | Council Solicitor |

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| 176. To determine requests to be removed as designated premises supervisor.  | Council Solicitor   |
| 177. To determine an application for transfer of premises licence where there has been no police objection.  | Council Solicitor   |
| 178. To determine applications for interim authorities where there has been no police objection.   | Council Solicitor   |
| 179. To determine decisions on whether a complaint is irrelevant, frivolous, vexatious etc.  | Council Solicitor   |
| 180. To call extra meetings of the Regulatory Committee and Regulatory Sub-Committees.   | Council Solicitor in consultation with the Chairman and Vice Chairman |
| 181. Where matters are reserved to the Council or the statutory Licensing Committee or Licensing Sub-Committee of the Council, to determine all matters preparatory to or incidental to such matters (including, by way of illustration only, the determination of whether relevant representations have been made). | Council Solicitor   |

**(Matters relating to the Gambling Act 2005)**

To discharge all the functions of the statutory licensing committee under the Gambling Act 2005 other than:

Council Solicitor

(a) the determination of an application for a premises licence in respect of which representations have been made under section 161 (and not withdrawn);

(b) the determination of an application for the variation of a premises licence in respect of which representations have been made under section 161 as applied by section 187 (and not withdrawn);

(c) the determination of an application for transfer following representations by the Gambling Commission;

(d) the determination of an application for a provisional statement under section 204 in respect of which representations have been made under section 161 as applied by section 204 (and not withdrawn); and

(e) a review of a premises licence under section 201.

Where matters are reserved to the Council or the statutory Licensing Committee or Licensing Sub-Committee of the Council, to determine all matters preparatory to or incidental to such matters (including, by way of illustration only, the determination of whether relevant representations have been made).

Council Solicitor

**(Matters relating to Vehicle Fleet Management)**

182. To manage the chief functions in respect of vehicle fleet management and maintenance services within the terms of reference of the Executive Board and to report thereon as directed by the Executive Board.

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**(Matters relating to Children's Services)**

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| 183. To deal with all matters relating to the operational and management aspects of the LMS Scheme.  | OD-LSI          |
| 184. To deal with all matters related to the management of non-LMS educational establishments.   | OD-LSI          |
| 185. To deal with all aspects of school admissions, exclusions and appeals processes in accordance with the Council's policy.  | OD-LSI          |
| 186. To appoint School Appeal Panel members.   | Chief Executive |
| 187. To authorise all legal matters related to school attendance.  | OD-VC           |
| 188. To deal with all matters relating to the identification, assessment and support of pupils and students with special educational needs in accordance with statutory requirements, the SEN Code of Practice and the Council's policy. | OD-CS           |
| 189. To deal with all matters relating to the implementation of the Early Years Development Plan.  | OD-CS           |
| 190. To deal with all matters relating to the implementation of continuing education in accordance with the Council's policy.  | OD-LSI          |
| 191. To deal with all matters relating to the operational and management aspects of the Youth Service in accordance with the Council's Policy.   | OD-LSI          |
| 192. To determine applications for mandatory and discretionary awards in accordance with statutory regulations and the Council's policy.   | OD-LSI          |

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| 193. To determine applications for benefits or remissions in relation to educational services in accordance with statutory regulations and Council's policy.   | OD-LSI   |
| 194. To grant licences for children to take part in public performance and to grant work permits for children.   | OD-LSI   |
| 195. To approve the payment of fees and expenses to occasional speakers, examiners, coaches, consultants in accordance with the Financial Regulations and within budgetary constraints.  | OD-BPR   |
| 196. To approve service contracts, subscriptions and licences for matters relating to education services that are consistent with the Council's policy and within budgetary constraints.   | SD-CaYP  |
| 197. To respond to or initiate contact with Government Departments, other public agencies and other relevant outside organisations consistent with the Council's policies.   | All relevant Operational Directors/  |
| 198. Determination of rates of maintenance at homes operated by voluntary organisations providing residential or temporary accommodation within approved budgets.  | SD-HaC in consultation with Executive Board Member for Children and Young People |
| 199. The payment of the cost of any application for registration as a British Citizen on behalf of a child in the care of the Council.   | OD-VC  |
| 200. The payment of legal fees for adopters where legal representation is necessary (and where there is no possibility of legal aid being allowed) and in appropriate circumstances the payment of medical fees in connection with adoption. | OD-VC  |
| 201. To act as joint trustee (with the appropriate named Officer) in respect of trust monies held on behalf of children in the care of the Council.  | OD-VC  |

202. To act as next friend of any child in care with regard to insurance claims. OD-VC
203. To make arrangements with or contributions to voluntary organisations providing residential or temporary accommodation in accordance with the policy of the Committee. OD-VC
204. To exercise all powers of entry vested in the Council as Social Services Authority. OD-VC
205. Subject to any court order, control visitors to and contact with children in homes provided by the Council. OD-VC
206. In relation to children who are the subject of care orders give consent for the medical treatment (including operations), marriage and absence abroad on holiday. OD-VC
207. To grant permission for the placement of a child in secure accommodation for a period not exceeding 72 hours. OD-VC
208. To act as Authorised Officer under Children's and Adoptions legislation. OD-VC
209. Power to impose requirements or prohibit the keeping of foster children at specified addresses. OD-VC
210. To seek, where necessary, placements outside of the Borough including placement for children requiring adoption and to incur the necessary expenditure, subject to finance being available. OD-VC
211. To decide upon recommendations of Adoption Panels. OD-VC
213. To approve foster parents. OD-VC
214. To provide for continued maintenance, education or support of young persons formerly in the care of the local authority. OD-VC



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| 215. To make grants and allowances to children, their relatives or foster parents according to the special needs involved to a maximum to be decided from time to time by the Council. | OD-VC   |
| 216. Where exceptional circumstances so require, to authorise payments to fosterers in excess of the Council's approved schedule of fees and charges.                                  | OD-VC   |
| 217. To give approval to the placement of children subject to care order with their parents.   | OD-VC   |
| 218. To establish at least one Adoption Panel.   | SD-CaYP |
| 219. To establish an Local Safeguarding Children's Board.  | SD-CaYP |

**(Matters relating to Community and Health)**

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| 220. Determination of rates of maintenance at homes operated by voluntary organisations providing residential or temporary accommodation within approved budgets.   | OD-AWA in consultation with the Executive Board Member for Health and Social Care |
| 221. To make arrangements with or contributions to voluntary organisations providing residential or temporary accommodation in accordance with the policy of the Committee.   | OD-AWA in consultation with the Executive Board Member for Health and Social Care |
| 222. To administer arrangements and schemes for the welfare of persons suffering from a mental disorder, physically disabled persons, older people and those incapacitated by illness or disability including in particular the recovery of such charges as may be determined from time to time by the Council. | OD-AWA/OD-OP  |
| 223. Power to make an application to act for and to act as receiver of property for persons who, by reason of mental disorder, are incapable of managing their own affairs including applications involving the Court of Protection and Appointeeship.  | OD-AWA/OD-OP  |

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| 224. Power to make arrangements for the temporary protection of property of persons admitted to hospital and other temporary care arrangements including making payments for the care of animals. | OD-AWA/OD-OP        |
| 225. To exercise all powers of entry vested in the Council as Social Services Authority.  | OD-AWA/OD-OP        |
| 226. To exercise the duties imposed by the Mini Bus Act, 1977 and regulations made thereunder, in so far as they relate to the Council in its capacity as the Social Services Authority.          | OD-AWA/OD-OP        |
| 227. To approve social workers as having appropriate competence in dealing with persons who are suffering from mental disorders under the Mental Health Act 1983.                                 | OD-AWA              |
| 228. To act as Guardian under the Mental Health Act 1983 (Ss. 7 & 37).  | OD-AWA              |
| 229. To agree to Supervised Discharge Orders through the appointment of a 'Consultation Person' pursuant to Section 25 of the Mental Health Act 1983.   | OD-AWA              |
| 230. To provide aftercare under Section 117 of the Mental Health Act 1983.  | OD-AWA              |
| 231. To arrange for the supervision and aftercare of conditionally discharged restricted patients.  | OD-AWA              |
| 232. To consent to the making of an application for a Residence Order where required.   | OD-AWA/OD-OP        |
| 233. To approve adult placement carers.   | OD-AWA              |
| 234. Authority to withdraw, reduce or waive charges for services or the withdrawal of a contribution notice (or agree that no such notice be served) in exceptional circumstances.                | OD-AWA/OD-OP/OD-HaP |

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| 235. To administer the provision of services for the welfare of older persons.   | OD-AWA/OD-OP        |
| 236. To administer the provision of aids and adaptations (including work to individual dwellings in the private sector) where the cost of the individual schemes does not exceed £15,000 and is within approved budgets  | OD-AWA/OD-OP/OD-HaP |
| 237. To investigate requests and referrals for admission to appropriate accommodation; to arrange admissions to such accommodation under the control of the Council (including transfers as appropriate to other accommodation).   | OD-AWA/OD-OP        |
| 238. To manage such accommodation including the assessment and recovery of charges and the adjustment of liability with any other local authority in providing the accommodation.  | OD-AWA/OD-OP        |
| 239. To administer the disabled drivers car badges scheme and travel permits for handicapped persons.  | OD-AWA/OD-ECS       |
| 240. To make payments in kind and cash payments to Asylum Seekers.   | OD-AWA/OD-HaP       |
| 241. To arrange for the provision of 'Appropriate Adults' under the Police and Criminal Evidence Act 1984.   | OD-AWA/OD-OP        |
| 242. To exercise powers in relation to the removal of persons from house under Section 47 of the National Assistance Act 1948 and Section 1 of the National Assistance (Amendment) Act 1951 (including the power to appoint suitable registered medical practitioners as proper officers for the purposes of these provisions) | OD-AWA/OD-OP        |
| 243. To exercise powers of a Social Services Authority under the NHS and Community Care Act 1990.  | OD-AWA/OD-OP/OD-HaP |

244. To carry out assessments as required by the Chronically Sick and Disabled Persons Act 1970. OD-AWA/OD-OP/OD-HaP

245. To make the necessary arrangements for the establishment of joint health scrutiny committees where required pursuant to the direction of the Secretary of State for Health dated 17<sup>th</sup> July 2003. Chief Executive

## Appendix A

### Inspector of Weights and Measures under:

Weights and Measures Act 1985 S.72

### Authorised Officer under:

Classification, Packaging and Labelling of Dangerous Substances Regulations 1984 Reg 15

Clean Air Act 1993

Consumer Credit Act 1974 SS. 162 and 164

Consumer Protection Act 1987 SS. 28 and 29

Control of Pollution Act 1974 SS. 75 and 91

Crystal Glass (Descriptions) Regulations 1973 Reg 8

Energy Conservation Act 1981 S.20

Estates Agents Act 1979 S.11

Fair Trading Act 1973 SS. 28 and 29

Hallmarking Act 1973 S.9

Licensing Act 1964

Materials and Articles in Contact with Food Regulations 1985 Reg 11

Motor Cycle Noise Act 1987 Schedule

Nurses Agencies Act 1957 S.3

Olympic Symbol etc. (Protection) Act 1995

Petroleum Consolidation Act 1928

Road Traffic Regulation Act 1984

Schedule Prices Act 1974

Telecommunications Act 1984 S.30

Textile Products (Indication of Fibre Content) Regulations 1986 Reg 11

Tobacco Advertising and Promotions Act 2002

Trade Descriptions Act 1968 SS. 27 and 28

Trade Marks Act 1994

### Officer under:

Agricultural Produce (Grading and Marking) Act 1928 S. 5

### Authorised Person under:

Criminal Law Act 1977 (common-law conspiracy to defraud)

Medicines Act 1968 S. 111

Road Traffic Act 1972 S. 160

Vehicles (Crime) Act 2001 (Part 2)

### Inspector under:

Agriculture Act 1970 S. 67

Eggs (Marking Standards) Regulations 1985 Reg 3

Health and Safety at Work Etc. Act 1974  
Measuring Container Bottles (EEC Requirement Regulations) 1977 Reg 8  
Poisons Act 1972 S.9

## Appendix B

Accommodation Agencies Act 1953  
Administration of Justice Act 1970  
Agricultural Produce (Grading and Marking) Act 1928  
Agricultural Produce (Grading and Marking) (Amendment) Act 1931  
Agriculture Act 1970  
Agriculture (Miscellaneous Provisions) Act 1968  
Anti-Social Behaviour Act 2003  
Bankers Books Evidence Act 1879  
Business Names Act 1985  
Cancer Act 1939  
Children and Young Persons Act 1933  
Children and Young Persons (Protection from Tobacco) Act 1991  
Chiropractors Act 1994  
Clean Air Act 1993  
Companies Act 1985  
Consumer Credit Act 1974  
Consumer Protection Act 1987  
Control of Pollution Act 1974  
Control of Pollution (Anti-Fouling Paints and Treatments) Regulations 1987  
Copyright Designs & Patents Act 1988  
Criminal Attempts Act 1981  
Criminal Justice Act 1993  
Criminal Law Act 1977 (common-law conspiracy to defraud)  
Crossbows Act 1987  
Customs and Excise Management Act 1979  
Development of Tourism Act 1988  
Education Reform Act 1988  
Energy Act 1976  
Energy Conservation Act 1981  
Enterprise Act 2002  
Environmental Protection Act 1990  
Estate Agents Act 1979  
European Communities Act 1972  
Explosives Act 1875  
Explosives Act 1923  
Explosives (Age of Purchase) Act 1976  
Fair Trading Act 1973  
Farm and Garden Chemicals Act 1967  
Fireworks Act 1951  
Fireworks Act 1964  
Fireworks Act 2003  
Forgery and Counterfeiting Act 1981  
Hallmarking Act 1973  
Health and Safety at Work Etc. Act 1974

Insurance Brokers (Registration) Act 1977  
Intoxicating Substances (Supply) Act 1985  
Knives Act 1997  
Licensing Act 1964  
Licensing (Young Persons) Act 2000  
Lotteries and Amusements Act 1976  
Malicious Communications Act 1988  
Medicines Act 1968  
Mock Auctions Act 1961  
Motor Cycles Noises Act 1987  
National Lotteries Act 1993  
Nurses Agencies Act 1957  
Offensive Weapons Act 1996  
Olympic symbol etc. (Protection) Act 1995  
Opticians Act 1989 S27  
Osteopaths Act 1993  
Petroleum (Consolidation) Act 1928  
Petroleum (Transfer of Licences) Act 1936  
Poisons Act 1933  
Poisons Act 1972  
Police and Criminal Justice Act 2001  
Prices Acts 1974 and 1975  
Proceeds of Crime Act 2002  
Property Misdescriptions Act 1991  
Protection from Harassment Act 1997  
Registered Designs Act 1949  
Road Traffic Act 1972  
Road Traffic Act 1974  
Road Traffic Act 1988  
Road Traffic (Consequential Provisions) Act 1988  
Road Traffic Act 1991  
Road Traffic (Foreign Vehicles) Act 1972  
Road Traffic Regulation Act 1984  
Road Traffic Offenders Act 1988  
Scotch Whisky Act 1988  
Solicitors Act 1974  
Tattooing of Minors Act 1969  
Telecommunications Act 1984  
Theft Act 1968  
Theft Act 1978  
Timeshare Act 1992  
Tobacco Advertising and Promotions Act 2002  
Trade Descriptions Act 1968  
Trade Marks Act 1994  
Trade Representations Act 1972  
Trading Representations (Disabled Persons) Act 1958  
Trading Schemes Act 1996  
Trading Stamps Act 1964  
Unsolicited Goods and Services Act 1971  
Unsolicited Goods and Services (Amendment) Act 1975

Vehicles (Crime) Act 2001 (Part 2)  
Video Recordings Act 1984  
Video Recordings Act 1993  
Weights and Measures Act 1976  
Weights and Measures Act 1985

## Appendix C

- Abandonment of Animals Act 1960
- Agricultural Act 1970
- Animal Boarding Establishments Act 1963
- Animal Health Act 1981
- Animal Health Act 2002
- Animal Health and Welfare Act 1984
- Breeding of Dogs Act 1973
- Breeding of Dogs Act 1991
- Building Act 1984
- Clean Air Acts 1956-1993
- Control of Pollution Act 1974
- Crime and Disorder Act 1998
- Criminal Justice and Public Order Act 1994
- Dangerous Dogs Act 1989
- Dangerous Dogs Act 1991
- Dangerous Wild Animals Act 1976
- Dogs Act 1906
- Dogs (Amendment) Act 1928
- Dogs (Fouling of Land) Act 1996
- Environment Act 1995
- Environmental Protection Act 1990 Part I, Part IIA, Part III and Sections 149-152
- European Communities Act 1972 and associated regulations Sections 2 and 9(7)
- Factories Act 1961
- Food Safety Act 1990
- Food and Environmental Protection Act 1985 Part I, Part III and Part IV
- Game Act 1831
- Game Licenses Act 1860
- Guard Dogs Act 1975
- Health Act 2006
- Health and Safety at Work etc Act 1974
- Home Safety Act 1961
- Land Compensation Act 1973
- Late Night Refreshment Houses Act 1969
- The Local Government Act 1894 (game licenses)
- Local Government (Miscellaneous Provisions) Act 1976
- Local Government (Miscellaneous Provisions) Act 1982
- Local Government Acts 1953-1989
- Noise Act 1996
- Noise and Statutory Nuisance Act 1993
- Offices, Shops and Railway Premises Act 1963
- Performing Animals (Regulation) Act 1925



- Pesticides Act 1996
- Pet Animals Act 1951
- Pollution, Prevention and Control Act 1999
- Prevention of Damage by Pests Act 1949
- Private Hire Vehicles (Carriage of Guide Dogs etc) Act 2002
- Protection of Animals Act 1911
- Protection of Animals (Amendment) Acts 1954 and 1988
- Protection of Animals (Amendment) Act 2000
- Protection Against Cruel Tethering Act 1988
- Public Health (Control of Diseases) Act 1984
- Public Health Acts 1936, 1961
- Radioactive Substances Act 1993
- Rag Flock Act 1961
- Refuse Disposal (Amenity Act) 1978
- Regulation of Investigatory Powers Act 2000
- Riding Establishments Act 1964/1970
- Scotch Whisky Act 1982
- Scrap Metal Dealers Act 1964
- Shops Act 1950
- Slaughter of Poultry Act 1967
- Slaughterhouses Act 1974
- Sunday Trading Act 1994
- Town Police Clauses Acts 1847-1889
- Trade Descriptions Act 1968
- Trade Marks Act 1994
- Water Acts 1945-1989
- Water Industry Act 1991
- Welfare of Animals at Slaughter Act 1991
- Zoo Licensing Act 1981

## **APPENDIX 5**

### **STANDING ORDERS RELATING TO CONDUCT OF COUNCIL BUSINESS**

#### Standing Order

1. Meetings of the Council
2. Matters for the Annual Council
3. Selection of Councillors on Committees and Outside Bodies
4. Quorum
5. Order of Business
6. Notices of Motion or Proposals
7. Motions and Amendments which may be Moved without Notice
8. Questions
9. Call In
10. Minutes
11. Rules of Debate for Council Meetings
12. Motions Affecting Persons Employed by the Council
13. Disorderly Conduct
14. Disturbance by Members of the Public
15. Revocation of Preceding Resolutions, Motions Proposals or Amendments
16. Voting
17. Calling Extraordinary Meetings
18. Voting on Appointments

19. Absence from Meetings
20. Interest of Members in Contracts and other matters
21. Interest of Officers in Contracts
22. Canvassing of and Recommendations  
by Members & Officers
23. Relatives of Members or Officers
24. Staff Establishment and Filling of Vacancies
25. Custody of Seal
26. Sealing of Documents
27. Authentication of Documents for Legal Proceedings
28. Inspection of Documents
29. Inspection of Lands, Premises, etc.
30. Appointment of Forums and Panels, Boards  
and Committees
31. Constitution of Forums and Panels, Boards  
and Committees
32. Appointment of Chairmen/Vice- Chairmen of Forums  
and Panels, Boards and Committees
33. Executive Board
34. Policy and Performance Boards
35. Special Meetings of Forums and Panels, Boards  
and Committees
36. Resolution/Items Relating to Business
37. Quorum of Forums and Panels, Boards and Committees
38. Voting in Forums and Panels, Boards and Committees
39. Standing Orders in Relation to Forums and Panels,  
Boards and Committees.
40. Mover of Motion or Proposal may attend Panel, Board  
or Committee

41. Matters Delegated to Forums and Panels, Boards and Committees
42. Financial Administration
43. Variation and Revocation of Standing Orders
44. Suspension of Standing Orders
45. Standing Orders to be given to Members
46. Interpretation of Standing Orders
47. Co-opted Members
48. Smoking
49. Frequency of Meetings

### **STANDING ORDERS**

#### 1. Meetings of the Council

##### Annual Meeting

The annual meeting of the Council and other meetings of the Council shall be held at such places, on such dates and at such times as may be fixed by the Council.

NOTE: The Local Government Act 1972 Schedule 12 Part 1 provides

- (1) That the annual meeting of a principal Council shall be held -
  - (a) in a year of ordinary elections of Councillors, the annual meeting will take place between eight and twenty-one days immediately following the day of retirement of the outgoing councillors.
  - (b) in any other year on such day in the month of March, April or May as the Council may fix.

#### 2. Matters for the Annual Meeting

The annual meeting will:

- (1) elect a person to preside if the Mayor is not present;
- (2) elect the Mayor and Deputy Mayor for the ensuing year;

- (3) approve the minutes of the last meeting;
- (4) receive any announcements from the Mayor and/or head of the paid service;
- (5) elect the Leader;
- (6) agree the number of Members to be appointed by the Leader to the Executive Board
- (7) appoint the 6 Policy and Performance Boards, Best Value Committee, Standards Committee and such other committees as the Council considers appropriate;
- (8) agree the scheme of delegation (or such part of it the constitution determines it is for the Council to agree; and
- (9) consider any business set out in the notice convening the meeting.

3. Selection of Councillors on Boards, Committees and Outside Bodies

At the annual meeting, the Council meeting will

- (i) decide which committees to establish for the municipal year;
- (ii) decide the size and terms of reference of those committees;
- (iii) decide the allocation of seats (and substitutes) to political groups in accordance with the political balance rules;
- (iv) receive nominations of councillors to serve on each committee; and
- (v) appoint to those committees.

The Council will receive nominations of councillors to serve on outside bodies, and appoint to those outside bodies, annually.

4. Quorum

If during any meeting of the Council the Mayor, after counting the number of Members present declares that there is not a quorum present, the meeting shall stand adjourned.

The consideration of any business not transacted shall be adjourned to a time fixed by the Mayor at the time the meeting is adjourned, or, if s/he does not fix a time, to the next ordinary meeting of the Council.

(NOTE: The quorum prescribed by the Local Government Act, 1972, is normally one quarter of the whole number of Members of the Council and will be 14 for the Halton Borough Council).

5. Order of Business

(1) Except as otherwise provided by paragraph (2) of this Standing Order, the order of business at every meeting of the Council shall be:-

- (a) To choose a person to preside if the Mayor and Deputy Mayor be absent. Any person elected to chair a Council meeting shall have the same powers and the Mayor in conducting the meeting.
  - (b) To deal with any business required by statute to be done before any other business.
  - (c) To approve as a correct record and sign the minutes of the last meeting and any other outstanding meetings of the Council, provided that, if a copy has been circulated to each Member of the Council not later than the date of issue of the summons to attend the meeting, they shall be taken as read.
  - (d) To deal with any business expressly required by statute to be done.
  - (e) Mayor's announcements.
  - (f) To dispose of business (if any) remaining from the last meeting.
  - (g) Leader's Report
  - (h) To consider the minutes of the Executive Board.
  - (i) To deal with any questions of the Executive Board in accordance with standing order 8.
  - (j) To receive reports about and receive questions and answers on the business of joint arrangements and external organisations.
  - (k) To deal with any matters requiring a decision by Council (including call-in matters)
  - (l) To deal with issues referred by Policy and Performance Boards and in their Minutes
  - (m) To deal with any motions or proposals from individual Members in accordance with Standing Order 6. The motions or proposals to be dealt with in the order in which they have been received.
- (2) Business falling under items (a)(b) or (c) of paragraph 1, shall not be displaced but subject thereto the foregoing order of business may be varied.

- (a) by the Mayor at his direction
- (b) by a resolution passed on a motion (which need not be in writing) duly moved and seconded, which shall be moved and put without discussion.

(NOTE: Section 4(1) of the Local Government Act, 1972 provides that the election of the Mayor shall be the first business transacted at the annual meeting of a principal Council.)

6. Notices of motion or proposal

(1) Notice of every motion or proposal, other than a motion which under Standing Order 7 may be moved without notice, shall be given in writing signed by the Mover and Secunder of the Motion giving the notice and delivered, at least seven clear working days before the next meeting of the Council, at the office of the Chief Executive. The Chief Executive shall date and number the notices in the order which they are received and enter them into a register, which shall be open to inspection by every Member of the Council.

Motions or proposals to be set out in summons

(2) The Chief Executive shall set out in the summons for every meeting of the Council all motions and proposals of which notice has been duly given in the order in which they have been received, unless the Member giving such notice intimated in writing, when giving it, that he proposed to move it at some later meeting, or has since withdrawn it in writing.

Motion or proposal not moved

(3) If a motion or proposal thus set out in the summons be not moved either by a Member who gave notice thereof or by some other Member on his behalf it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.

Automatic reference to Panel, Board or Committee

(4) If the subject matter of any motion of which notice has been duly given comes within the province of any Panel, Board or Committee or Committees it shall without introductory speeches by the mover or seconder upon being moved and seconded, stand referred without discussion to such Panel, Board or Committee or Committees, or to such other Panel, Board or Committee or Committees as the Council may determine, for consideration and report.

Provided that the Mayor may, if s/he considers it convenient and conducive to the despatch of business, allow the motion to be dealt with at the meeting at which it is brought forward.

Scope of Motions

(5) Every motion shall be relevant to some matter in relation to which the Council has powers or duties or which affects the Borough.

7. Motions and amendments which may be moved without notice.

The following motions and amendments may be moved without notice:-

- (1) Appointment of a Chairman of the meeting at which the motion is made.
- (2) Motions relating to the accuracy of the minutes.
- (3) That an item of business specified in the summons has precedence.
- (4) Referral to a Panel, Board or Committee.
- (5) Appointment of a Panel, Board or Committee or Members thereof, occasioned by an item mentioned in the summons to the meeting.
- (6) Adoption of reports and recommendations of Forums and Panels, Boards, Committees or Officers and any consequent resolutions.
- (7) That leave be given to withdraw a motion.
- (8) Amendments to motions.
- (9) That the Council proceeds to the next business.
- (10) That the question be now put.
- (11) That the debate be now adjourned.
- (12) That the Council do now adjourn.
- (13) Suspending Standing Orders, in accordance with Standing Order No. 45.
- (14) Motion under Section 100A(4) of the Local Government Act 1972 to exclude the public.
- (15) That a Member named under Standing Order 13 be not further heard or do leave the meeting.
- (16) Inviting a Member to remain under Standing Order 20 (personal and prejudicial interest).
- (17) Giving consent of the Council where the consent of the Council is required by these Standing Orders.





8. Questions

- (1) If a Member of the Council wishes to ask a question at the meeting of the Council on the business of a particular panel, board or Committee which is not covered in any minutes or agenda before the Council meeting s/he shall give notice in writing to the Chief Executive by 4 p.m. on the day preceding the Council meeting.
- (2) Every question shall be put and answered without discussion, but the person to whom a question has been put may decline to answer.
- (3) An answer may take the form of:-
  - (a) a direct oral answer; or
  - (b) where the desired information is contained in a publication of the Council, a reference to that publication; or
  - (c) where the reply to the question cannot conveniently be given orally, a written answer circulated to Members of the Council.
- (4) Questions on the discharge of the functions of the Police Authority may be asked by Members of the Council at a meeting of the Council. Notice of every question must be submitted in writing signed by the Member and delivered at least five working days before the next meeting of the Council, to the Chief Executive.
- (5) Questions submitted under (4) above shall be put and answered without discussion. Any answer may take the form of:-
  - (a) a direct oral answer; or
  - (b) where the reply to the question cannot conveniently be given orally, a written answer circulated to Members of the Council.

9. Call in

Any matter decided by the Executive Board or a Sub-Committee of the Executive Board may be called in not later than 5 working days after the publication of the Minutes of the Executive Board or the Sub-Committee which decided the matter. At least ten Members of the Council or five Members of the relevant Policy and Performance Board with responsibility for the matter decided by the Executive Board or Executive Board Sub-Committee must apply in writing to the Chief Executive on the requisite form for the matter to be called in. Any matter called in must be considered at the next meeting of the Council which will have power to affirm or reject the decision. If rejected the Council may refer the decision back to the Executive Board or Executive Board Sub-Committee for further consideration. The call in procedure can only be used once in relation to any particular decision. Once the procedure

has been used and a decision confirmed or rejected by the Council the decision cannot be reconsidered.

Once a call-in application is made it cannot be withdrawn after the expiry of the call-in period, namely after five working days following the publication of the Minutes of the Executive Board or Executive Board Sub-Committee which decided the matter. A signature to a call-in application can however be withdrawn at any time before expiry of the 5 working day period. Any notice of withdrawal will only take effect if it is in writing to the Chief Executive. If a signature is withdrawn the proposer will be advised and will need to obtain an alternative signature and notify the Chief Executive within the five day period.

The call in procedure only applies to the Executive Board and Executive Board Sub-Committees.

Decisions requiring immediate action and so specified in the minutes of the Executive Board or Executive Board Sub-Committee are also excluded from 'call in'.

#### 10. Minutes

(1) The Mayor shall put the question that the minutes of the meeting of the Council held on the day be approved as a correct record.

(2) No discussion shall take place upon the minutes, except upon their accuracy, any question of their accuracy shall be raised by motion. If no such question is raised or if it is raised, then as soon as it has been disposed of, the Mayor shall sign the minutes.

(3) Where in relation to any meeting of the Council the next such meeting is a meeting called under paragraph 3 (Extraordinary Meetings) of Schedule 12 to the Local Government Act 1972, the next following meeting of the Council (being a meeting called otherwise than under that paragraph) shall be treated as a suitable meeting for the purposes of paragraph 41(1) and (2)(Signing of Minutes) of that Schedule.

#### 11. Rules of Debate for Council Meetings

##### (1) Motions, Proposals and Amendments

A motion, proposal or amendment shall not be discussed unless it has been proposed and seconded, and unless notice has already been given in accordance with Standing Order 6 it shall, if required by the Mayor, be put in writing and handed to the Mayor before it is further discussed or put to the meeting.

(2) Seconders' Speech

A Member when seconding a motion or amendment may, if s/he then declare his/her intention to do so, reserve his/her speech until a later period of the debate.

(3) Only One Member to Stand at a Time

A Member when speaking shall stand and address the Mayor, if two or more Members rise, the Mayor shall call on one to speak. The other or others shall then sit. While a Member is speaking the other Members shall remain seated, unless rising to a point of order or in personal explanation.

(4) Content and Length of Speeches

A Member shall direct his/her speech to the question under discussion or to a personal explanation or to a point of order. Except in the case of a mover of a motion, when moving the motion, or when the Leader of the Council addresses the Council or makes statements to the Council on important and policy matters, no speech shall exceed five minutes except by consent of the Council, which shall be signified without discussion.

(5) When a Member may Speak Again

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

- (a) to speak once on an amendment moved by another Member;
- (b) if the motion has been amended since s/he last spoke, to move a further amendment;
- (c) if his/her first speech was on an amendment moved by another Member to speak on the main issue, whether or not the amendment on which s/he spoke was carried;
- (d) in exercise of a right of reply given by paragraph (11) or (13) of this Standing Order;
- (e) on a point of order;
- (f) by way of personal explanation.

(6) Amendments to Motions

An amendment shall be relevant to the motion and shall be either -

- (a) to refer a subject of debate to a Panel, Board or Committee for consideration or reconsideration;

- (b) to leave out words;
- (c) to leave out words and insert or add others;
- (d) to insert or add words

but such omission, insertion or addition of words shall not have the effect of negating the motion before the Council.

(7) 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.

(8) If an amendment be lost, other amendments may be moved on the original motion. If an amendment be 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.

#### Alteration to Motion

(9) A Member may, with the consent of the Council signified without discussion -

- (a) alter a motion of which s/he has given notice; or
- (b) with the further consent of his/her seconder alter a motion which s/he has moved.

If (in either case) the alteration is one which could be made as an amendment thereto.

#### (10) Withdrawal of Motion

A motion or amendment may be withdrawn by the mover with the consent of his/her seconder and of the Council which shall be signified without discussion, and no Member may speak upon it after the mover has asked permission for its withdrawal, unless such permission shall have been refused.

#### (11) Right of Reply

The mover of a motion has a right to reply at the close of the debate on the motion, immediately before it is put to the vote. 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, and shall not otherwise speak on the amendment. The mover of the amendment shall have no right of reply to the debate on his amendment.

#### (12) Motions which may be Moved during Debate

When a motion is under debate no other motion shall be moved except the following:-

- (a) to amend the motion;
- (b) to adjourn the meeting;
- (c) to adjourn the debate;
- (d) to proceed to the next business;
- (e) that the question be now put;
- (f) that a Member be not further heard;
- (g) by the Mayor under SO13(2) that a Member do leave the meeting.
- (h) a motion under Section 100(A)(4) of the Local Government Act 1972 to exclude the public and the press.

(13) Closure Motions

A Member may move without comment at the conclusion of a speech of another Member. 'That the Council proceeds to the next business', 'That the question be now put', 'That the debate be now adjourned' or 'That the Council do now adjourn', on the seconding of which the Mayor shall proceed as follows-

- (a) on a motion to proceed to next business; unless in his/her opinion the matter before the meeting has been insufficiently discussed, s/he shall first give the mover of the original motion a right of reply, and then put to the vote the motion to proceed to next business.
- (b) on a motion that the question be now put; unless in his/her opinion the matter before the meeting has been insufficiently discussed, s/he shall first put to the vote the motion that the question be now put, and if it is passed then give the mover of the original motion his/her right of reply under paragraph 11 of this Standing Order before putting his/her motion to the vote.
- (c) on a motion to adjourn the debate or the meeting; if in his/her opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion s/he shall put the adjournment motion to the vote without giving the mover of the original motion his/her right of reply on that occasion.

(14) Points of Order

A Member may rise on a point of order or in personal explanation and shall be entitled to be heard forthwith. A point of order shall relate only to an alleged

breach of a Standing Order or statutory provision and the Member shall specify the Standing Order or statutory provision and the way in which he considers it has been broken. A personal explanation shall be confined to some material part of a former speech by him/her which may appear to have been misunderstood in the present debate.

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

(16) Respect for the Chair

Whenever the Mayor rises during a debate a Member then standing shall resume his/her seat and the Council shall be silent.

12. Motions Affecting Persons Employed by the Council

If any question arises at a meeting of the Council or of a Committee thereof to which Section 100(A)(4) of the Local Government Act 1972 applies as to the appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct of any person employed by the Council, such question shall not be the subject of discussion until the Council has decided whether or not the power of exclusion of the public under Section 100(A)(4) of the Local Government Act 1972 shall be exercised.

13. Disorderly Conduct

(1) If at a meeting any Member of the Council, in the opinion of the Mayor notified to the Council, misconduct himself/herself by persistently disregarding the ruling of the Chair or by behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the Council, the Mayor or any other Member may move 'That the Member named be not further heard', and the motion if seconded shall be put and determined without discussion.

(2) Continuing Misconduct by a Named Member

If the Member named continues his/her misconduct after a motion under the foregoing paragraph has been carried the Mayor shall:-

Either move 'That the Member named do leave the meeting' (in which case the motion shall be put and determined without seconding or discussion):

Or adjourn the meeting of the Council for such period as s/he in his/her discretion shall consider expedient.

(3) General Disturbance

In the event of general disturbance which in the opinion of the Mayor renders the due and orderly dispatch of business impossible, the Mayor in addition to any other power rested in him/her may without question put, adjourn the

meeting of the Council for such period as s/he in his/her discretion shall consider expedient.

14. Disturbance by Members of the Public

If a member of the public interrupts the proceedings at any meeting the Mayor shall warn him/her. If s/he continues the interruption, the Mayor shall order his/her removal from the Council Chamber. In the case of general disturbance in any part of the Chamber open to the public, the Mayor shall order that part to be cleared.

15. Revocation of Preceding Resolutions, Motions, Proposals or Amendments

(1) No motion to revoke any resolution passed within the preceding six months shall be proposed unless the notice thereof, given in pursuance of Standing Order 6, bears the names of at least five Members of the Council.

(2) The above Standing Order 15 (1) also applies to any motion or amendment to the same effect as one which has been rejected within the preceding six months.

(3) When any such motion or amendment has been disposed of by the Council, it shall not be open to any Member to propose a similar motion within a further period of six months.

This Standing Order shall not apply to motions moved in pursuance of a recommendation of a Panel, Board or Committee as to decisions taken by a Panel, Board or Committee in the ordinary course of their business.

16. Voting

(1) The Mayor shall in the first instance take the votes by asking those Members of the Council in favour of a motion or amendment to say 'aye' and those to the contrary to say 'no' the Mayor stating afterwards whether the 'ayes' or the 'noes' in his/her opinion are in the majority, and in cases where the Mayor's decision is not challenged the same shall be final, but in all cases where the Mayor's decision is challenged then the votes shall be taken in one of the following ways:-

(a) by show of hands; or

(b) on the requisition of any nine Members of the Council made before the vote is taken the voting shall be by roll call and shall be recorded so as to show how each Member present and voting gave his/her vote. The name of any Member present and not voting shall also be recorded.

(2) Where immediately after a vote is taken at a meeting of the Council any Member of the Council so requires, there shall be recorded in the minutes of the proceedings of that meeting whether that person cast



his/her vote for the question or against the question or whether s/he abstained from voting.

17. Calling Extraordinary Meetings

Those listed below may request the proper officer to call Council meetings in addition to ordinary meetings:

1. the Council by resolution
2. the Mayor
3. the monitoring officer
4. any five members of the Council if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

18. Voting on Appointments

Where there are more than two persons nominated for any position to be filled by the Council, and of the votes given there is not a majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken, and so on until a majority of votes is given in favour of one person. In the case of an equality of votes for two or more candidates the Mayor shall have a second or casting vote.

19. Absence from Meetings

In the event of any Member being prevented from attendance at any meeting of the Council or at any meetings of any Board, Panel or Committee by reason of his engagement on business of the Council elsewhere, and who shall notify in writing the fact thereof to the Chief Executive, his/her explanation of non-attendance shall be recorded and his/her attendances regarded as unaffected by his absence.

20. Interest of Members in Contracts and Other Matters

- (a) If any Member of the Council has a personal and prejudicial interest in any matter that Member shall withdraw from the meeting unless they have a dispensation from the Standards Committee
- (b) Any Member who has a personal interest defined by the Code of Conduct in any matter shall forthwith disclose that interest (but may remain, speak and vote unless the interest amounts to a prejudicial interest in which case the Member shall withdraw).

21. Interest of Officers in Contracts

The Chief Executive shall record in a book to be kept for the purpose particulars of any notice given by an Officer of the Council under the Local Government Act, 2000, of an interest in a contract and the book shall be open during office hours to the inspection of any Member of the Council.

22. Canvassing of and Recommendations by Members and Officers

(1) Canvassing of Members and Officers of the Council or any Panel, Board or Committee of the Council directly or indirectly for any appointment with the Council shall disqualify the candidates concerned for that appointment.

Attention shall be drawn to this Standing Order in any form of application.

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

23. Relatives of Members or Officers

(1) A candidate for any appointment with the Council who knows that s/he is related to any Member or employee of the Council, shall when making application or being considered, disclose that relationship to the Chief Executive.

A candidate who fails to disclose such relationship shall be disqualified for the appointment and if appointed, shall be liable to dismissal without notice.

Every Member and employee of the Council shall disclose to the Chief Executive any relationship known to him/her to exist between himself/herself and any person whom s/he knows is a candidate for any appointment under the Council.

(2) Attention shall be drawn to this Standing Order in any form of application.

(3) For the purpose of this Standing Order, a relative shall be deemed to mean that such persons are related if they are husband and wife or co-habitee if either of them or the spouse, or co-habitee of either of them is the son or daughter or grandson or granddaughter or brother or sister or nephew or niece of the other, or of the spouse or co-habitee of the other.

24. Staff Establishment and Filling of Vacancies

(1) All vacancies unless they are to be filled by promotion or transfer, shall be publicly advertised except where the Operational Director - Human Resources in consultation with the Executive Board Member for Corporate Services otherwise determines.

Provided that where, within six months of the filling of a vacancy which has been publicly advertised, a similar vacancy occurs in an office in the appointment of the Council, an appointment may be made of one of the former applicants.

(2) A vacancy to be filled in an office of Senior Officer, which is not to be filled by promotion or transfer shall be advertised in one or more newspapers or journals circulating primarily among persons who may be expected to possess the necessary qualifications for the office.

The procedures governing appointments and disciplinary action contained within Local Authorities (Standing Orders) (England) Regulations 2001 are incorporated into this Standing Order.

25. Custody of Seal

The Common Seal of the Council shall be kept in a safe place in the custody of the Council Solicitor.

26. Sealing of Documents

(1) The Common Seal of the Council shall not be affixed to any document unless the sealing has been authorised by a resolution of the Council or of the Executive Board but a resolution of the Council or Executive Board authorising the acceptance of any tender, purchase, sale, letting or taking of any property, issue of any stock, presentation of any petition, memorial or address, making of any rate or contract, or any other matter or thing shall be a sufficient authority for sealing any documents necessary to give effect to the resolution.

(2) The Seal shall be attested by the Council Solicitor or such other person appointed by him/her for the purpose and an entry of the sealing of every document shall be made and consecutively numbered in a book kept for that purpose and shall be signed by the person who shall have attested the Seal.

27. Authentication of Documents for Legal Proceedings

Where any document will be a necessary step in Legal proceedings on behalf of the Council it shall be signed by the Council Solicitor or such other Officer who may, from time to time, be designated in writing by the Council Solicitor, unless any enactment otherwise requires or authorises, or the Council give the necessary authority to some other person for the purpose of such proceedings.

28. Inspection of Documents

(1) A Member of the Council may, for purposes of his/her duty as such Member but not otherwise, on application to the Chief Executive inspect any document which has been considered by a Panel, Board or Committee or by the Council.

Provided that a Member shall not knowingly inspect any document relating to a matter in which s/he is professionally interested or in which s/he has directly or indirectly any personal and prejudicial interest within the meaning of the Code of Conduct for Members and that this Standing Order shall not preclude the Chief Executive from declining to allow inspection of any document which is or in the event of legal proceedings would be protected by privilege arising from the relationship of solicitor and client.

(2) All reports made or minutes kept by any Panel, Board or Committee shall, as soon as the action is concluded on the matter to which such reports or minutes relate, be open for the inspection of any Member of the Council.

(3) The rights referred to in the previous sub-clauses 1(1) and (2) shall be additional to those rights conferred on members by Section 100(F) of the Local Government Act 1972.

29. Inspection of Lands, Premises, Etc.

Unless specifically authorised to do so by the Council, Panel, Board or Committee, a Member of the Council shall not issue any order respecting any works which are being carried out by or on behalf of the Council or claim by virtue of his/her membership of the Council any right to inspect or to enter upon any lands or premises which the Council have the power or duty to inspect or enter.

30. Appointment of Forums and Panels, Boards and Committees

(1) The Council shall at the annual meeting appoint such Forums and Panels, Boards and Committees as they are required to appoint by or under any statute or under Standing Order No. 31 and may at any time appoint such other Forums and Panels, Boards or Committees as are necessary to carry out the work of the Council but, subject to any statutory provision-

(i) shall not appoint any Member to a Panel, Board or Committee so as to hold office later than the next annual meeting of the Council.

(ii) may at any time dissolve a Panel, Board or Committee or alter its membership.

(2) The Executive Board acting as the Council Selection Committee, shall report to the annual meeting of the Council as to the formation and duties of the Forums and Panels, Boards and Committees for the ensuing year, and as

to whether or not any amendments or alterations are desirable or necessary in the Standing Orders of the Council.

(3) Upon a vacancy occurring in any Panel, Board or Committee of the Council, such vacancy shall be reported to the Council by the Executive Board together with a recommendation by the Executive Board as to the name of the Member proposed to fill the vacancy.

(4) The Leader of each of the political parties may, at any time, give notice in writing to the Chief Executive to change their representation on any Panel Board or Committee of the Council, specifying the date on which the change is to be effected which shall not be earlier than six clear working days after the day on which the notice is given. Every change shall be reported to the next meeting of the Council for information.

(5) The Council at its Annual Meeting (or at any subsequent meeting) shall appoint one of its Members as Leader of the Council and one as Deputy Leader for the Municipal Year. The appointments shall be subject to a recommendation from the Executive Board acting as Selection Committee.

31. Constitution of Forums and Panels, Boards and Committees

(1) The following Forums and Panels, Boards and Committees shall be the Standing Committees of the Council:-

	<u>Membership</u>
Executive Board	10 (quorum 5)
Executive Board Sub-Committee	3 (quorum 2)
3MG Executive Sub-Board	3 (quorum 2)
Mersey Gateway Executive Board	3 (quorum 2)
Development Control Committee	11 (quorum 5)
Appeals Panel	20 (quorum 3) (or such number statutorily required)
Corporate Services Policy and Performance Board	11 (quorum 5)
Healthy Halton Policy and Performance Board	11 (quorum 5)
Employment, Learning and Skills Policy and Performance Board	11 (quorum 5)
Children and Young People Policy and Performance Board	11 (quorum 5)
Safer Halton Policy and Performance Board	11 (quorum 5)
Urban Renewal Policy and Performance Board	11 (quorum 5)
Business Efficiency Board	11 (quorum 5)
Standards Committee	8 (quorum 3 – including an independent

Appointments Committee	6 (quorum 3)	member)
Regulatory Committee	11	(quorum 5)
Regulatory Sub-Committees	3	(quorum 2)

32. Appointment of Chairmen/Vice-Chairmen of Forums and Panels, Boards and Committees.

The Executive Board, acting as the Council's Selection Committee shall appoint the Chairmen and Vice-Chairmen of Forums and Panels, Boards or Committees for the ensuing year and report thereon to the Annual Meeting of the Council.

33. Executive Board

Executive Board Members cannot serve on Policy and Performance Boards. Subject to the Members Code of Conduct they may attend Policy and Performance Board meetings and have the right to speak but they may not vote. Executive Board Members can only be removed by Council upon a vote of the Council. The decision will be by a two thirds majority of those present at the Council meeting.

34. Policy and Performance Boards

- (1) the Policy and Performance Boards shall have the power to request individual Executive Board Members to attend Board meetings or answer questions and to explain proposals or action falling within the remit of their portfolios. Any such request for attendance will be notified to the appropriate Executive Board Member/s and a date agreed for attendance with the relevant Chair of the Policy and Performance Board. The relevant Council Officer shall initially clarify the reason for the attendance request and provide any further clarification to the Executive Board Member.
- (2) The Policy and Performance Boards shall have the power to request papers and/or attendance of council officers at board meetings subject to any statutory requirements and the provisions of the Council's Access to Information protocol. The relevant Director will decide which if any other officers other than him/herself will attend. Any request for papers will have due regard to the Access to Information protocol.
- (3) The Policy and Performance Boards may invite other persons to attend meetings.
- (4) To review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the Executive Board.

- (5) To make reports or recommendations to the authority or the Executive Board with respect to the discharge of any functions which are the responsibility of the Executive Board.
- (6) To review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the Executive Board.
- (7) To make reports or recommendations to the authority or the Executive Board with respect to the discharge of any functions which are not the responsibility of the Executive Board.
- (8) To make reports or recommendations to the authority or the Executive Board on matters which affect the authority's area or the inhabitants of that area.
- (9) These powers include in respect of a decision made but not implemented the power to recommend that the decision be reconsidered by the person who made it.
- (10) Minority parties are entitled to specify a total of 3 items which should be included in the annual programme of Performance Reviews drawn up by each Policy and Performance Board.
- (11) Public Question Time
  - (i) A total of 30 minutes will be allocated for dealing with questions from members of the public who are residents of the Borough, to ask questions at meetings of the Policy and Performance Boards.
  - (ii) Members of the public can ask questions on any matter relating to the agenda.
  - (iii) Members of the public can ask questions. Written notice of questions must be given by 4.00 pm on the working day prior to the date of the meeting to the Committee Services Manager. At any one meeting no person/organisation may submit more than one question.
  - (iv) One supplementary question (relating to the original question) may be asked by the questioner which may or may not be answered at the meeting.
  - (v) The chair or proper officer may reject a question if it:-
    - Is not about a matter for which the local authority has a responsibility or which affects the Borough;
    - Is defamatory, frivolous, offensive, abusive or racist;
    - Is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
    - Requires the disclosure of confidential or exempt information.

- (vi) In the interests of natural justice, public questions cannot relate to a planning or licensing application or to any matter which is not dealt with in the public part of a meeting.
- (vii) The Chairperson will ask for people to indicate that they wish to ask a question.
- (viii) **PLEASE NOTE** that the maximum amount of time each questioner will be allowed is 3 minutes.
- (ix) If you do not receive a response at the meeting, a Council Officer will ask for your name and address and make sure that you receive a written response.

Please bear in mind that public question time lasts for a maximum of 30 minutes. To help in making the most of this opportunity to speak:-

- Please keep your questions as concise as possible.
- Please do not repeat or make statements on earlier questions as this reduces the time available for other issues to be raised.
- Please note public question time is not intended for debate – issues raised will be responded to either at the meeting or in writing at a later date.

(N.B. Public Speaking on Planning applications has also been introduced for all Development Control Committee meetings – See Appendix 6).

35. Special Meetings of Forums and Panels, Boards and Committees.

The Chairman of a Panel, Board or Committee may call a special meeting at any time. A special meeting shall also be called on the requisition of at least five members of the Panel, Board or Committee, delivered in writing to the Chief Executive. The summons to the special meeting shall set out the business to be considered thereat, and no business other than that set out in the summons shall be considered at that meeting.

36. Resolution/Items Relating to Business

No resolutions or items relating to business other than that set out in the summons shall be taken at a meeting of the Executive Board, Policy and Performance Board Committee or Panel unless the consent of the Chair has been obtained for an item to be considered at that meeting because of its urgent nature and the reasons for urgency shall be set out in the Minutes of the meeting.



37. Quorum of Forums and Panels, Board and Committees

(1) Business shall not be transacted at any Panel, Board or Committee unless the quorum shown in Standing Order 31 is present.

(2) If on any occasion a quorum as required under sub-paragraph (1) hereof is not present after fifteen minutes from the time appointed for the commencement of the business of a summoned Panel, Board or Committee, no meeting of the Panel, Board or Committee concerned shall then be held.

38. Voting in Forums and Panels, Boards and Committees

Voting at a meeting of a Panel, Board or Committee shall be by show of hands.

39. Standing Orders in Relation to Forums and Panels, Boards or Committees

Standing Orders 16(2) and 20 shall, with any necessary modification, apply to Panel, Board or Committee meetings.

In all other cases, unless the context suggests otherwise, Standing Orders shall not apply to Panel, Board or Committee meetings, unless the Chairman of the Panel, Board or Committee concerned rules that it is convenient and conducive to the dispatch of business that the Council's Standing Orders shall apply.

40. Mover of Motion or proposal may Attend Panel, Board or Committee

A Member of the Council who has moved a motion or proposal which has been referred to any Panel, Board or Committee shall have notice of the meeting of the Panel, Board or Committee at which it is proposed to consider the motion. S/he shall have the right to attend the meeting and if s/he attends shall have an opportunity of explaining the motion.

41. Matters Delegated to Forums and Panels, Boards or Committees

Any matter delegated to a Panel, Board or Committee which, in the opinion of three Members of that Panel, Board or Committee involves a change in policy of the Council, or is otherwise of sufficient importance shall, upon a ruling by the Chairman to that effect, be excluded from the powers of delegation and be the subject of a recommendation to the Executive Board.

42. Financial Administration

Every Panel, Board or Committee and Officer of the Council shall conform with the financial arrangements made by the Council under the provisions of Section 151 of the Local Government Act, 1972.

43. Variation and Revocation of Standing Orders

Any motion to add to, vary or revoke these Standing Orders shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, and shall be the subject of a report by the Executive Board to the Council.

44. Suspension of Standing Orders

(1) Subject to paragraph (2) of this Standing Order, any of the preceding Standing Orders may be suspended so far as regards any business at the meeting where its suspension is moved.

(2) A motion to suspend Standing Orders shall not be moved without notice (i.e. under Standing Order No. 7) unless there shall be present at least one-half of the whole number of the Members of the Council.

45. Standing Orders to be Given to Members

A printed copy of these Standing Orders shall be given to each Member of the Council by the Chief Executive upon delivery to him/her of the Members' declaration of acceptance of office on the Member being first elected to Council.

46. Interpretation of Standing Orders

The ruling of the Mayor as to the construction or application of any of these Standing Orders, or as to any proceedings of the Council, shall not be challenged at any meeting of the Council.

47. Co-opted Members

(1) Co-opted Members of Boards, Forums and Panels or Committees (whether or not Members of the Council) shall not count towards the quorum of the relevant Panel, Board or Committees.

(2) Co-opted Members on Policy and Performance Boards shall not have voting rights except as required by statute.

(3) The voting rights of co-opted Members to Forums and Panels, Boards and Committees other than Policy and Performance Boards shall be determined by the Council.

(4) The seats on the Panel, Board or Committees of the Council which are allocated to co-opted Members shall not count towards the calculations for political balance unless they carry voting rights and are allocated to a political group.

(5) Co-optees shall be nominated by the relevant Policy and Performance Board and their appointment subject to approval by the Executive Board and

Full Council. On the appointment of each co-optee the length of service of each co-optee shall be specified and may only be extended with Council approval.

(6) Co-opted members shall not have the power to exercise the right of "call in" in accordance with SO 9.

48. Smoking

Smoking is prohibited during all Council, Panel, Board or Committee meetings.

49. Frequency of meetings

Subject to SO 35, the frequency of meetings of Council, Forums and Panels, Boards and Committees is as follows:

(1)	Council	8 weekly
(2)	Executive Board	fortnightly or at least 12 times per year
(3)	Policy and Performance Boards	6-8 weekly
(4)	Business Efficiency Board	6-8 weekly
(5)	Development Control Committee	monthly
(6)	Appeals Panel	as required
(7)	Standards Committee	quarterly
(8)	Appointments Committee	as required
(10)	Regulatory Committee	6-8 weekly

50. Chair of Standards Committee

(1) In the event that the Chair of the Standards Committee is not an elected Member of the Council, the Chair should be invited to attend Council meetings to present the Minutes of the Standards Committee and to report on the work of the Committee as set out in the Minutes and to answer any questions or respond to any observations from Members.

(2) In the absence of the Chair, the Executive Board member sitting on the Standards Committee will be responsible for presenting the Minutes.

51. Length of Meetings

All meetings of Policy and Performance Boards and Area Forums will not continue beyond 9.00 p.m.

**APPENDIX 6**

**PUBLIC SPEAKING ON PLANNING APPLICATIONS**

**PUBLIC SPEAKING ON PLANNING APPLICATIONS**  
**An explanation of the present system for those wishing to speak**

**HOW TO HAVE YOUR SAY AT A DEVELOPMENT CONTROL COMMITTEE**

This leaflet explains how the scheme operates and answers some of the questions you may have about procedures and what to expect at the meeting. It is based on simple rules agreed by the Council to make the system as fair and easy to operate as possible, so please read all of the leaflet.

**How does the Development Control Committee work?**

Not all applications are determined by the Committee. The majority of straightforward applications are decided under the Council's delegation scheme and are not subject to procedures described in this leaflet. Please telephone the case officer dealing with the application to see whether the application in which you are interested is to be considered by the Development Control Committee or discuss its progress.

The Committee is made up of a Chairman, Vice-Chairman and 9 other councillors. The Press may attend the meetings. Committee Members receive written reports on planning applications being considered by the Committee.

**Do I need to attend the meeting to make any comments known to the Committee?**

No - your written comments will have been briefly summarised in the officer report and will be considered by the Committee anyway. As the meetings are open to the public you may, if you wish, attend the meeting just to see what happens.

**How can I find out when an application will be considered?**

A Development Control Committee is usually held on a Monday evening once a month. It can, however, be held on other days of the week. The Committee agenda is normally published at the latest 5 clear working days before the Committee meeting. The dates and times of meetings are available on request together with a list of Members. Please telephone the Committee Administration Section on 0151 424 2061.

**How do I arrange to speak at a meeting?**

When an application is to be considered by the Committee, the applicant, objectors or supporters will be notified of the meeting and will receive a copy of this leaflet and a form which will need to be completed if they wish to speak at the meeting.

- The form must be received by the Planning Department by 4.00pm on the working day (normally a Friday) before the Committee meeting, at the very latest. This is so the Chairman knows how many members of the public wish to speak.
- On the day of the Committee please arrive at the Council Chamber at Runcom Town Hall between 5.45pm and 6.15pm to register your invitation to speak. It may be difficult to accommodate late arrivals. A council officer will explain to those wishing to speak how the Committee procedures are organised.
- If there are several objectors and/or supporters who wish to speak on an application each group will need to organise a spokesperson. Only one person from the objectors and one from the supporters will be allowed to speak. However, even though you have given notice that you wish to speak at the meeting you can change your mind and decide not to speak.
- In cases where a petition or in excess of 25 standardised letters are received only the lead name and the first ten letters received in respect of the application will be notified.
- Only one person can speak in support on behalf of the applicant, either the applicant or agent.

### **What is the order of speaking on each application?**

The Chairman will, if necessary, explain the process and introduce each planning application by referring to the application number and details of it.

Members of the public can then speak in the following order:

- Objector (3 minutes)
- Supporter (3 minutes)
- Applicant/Agent (3 minutes)

You will be asked by the Chairman of the Development Control Committee to move to a designated seat before you speak. The three-minute limit will be strictly applied by the Chairman and you will be asked to return to the public seating after that time. If a representative of a Parish Council or a councillor has also asked to speak the Chairman will determine the order of speaking on each application.

The Operational Director of Planning will then bring any necessary information, in addition to that in the officer report, to the Committee's attention. Members of the Development Control Committee will then debate the matter either to approve, refuse or defer it for amendments/further information. The public cannot take part, and a decision will be made. Any points of clarification raised by Members will be dealt with by Officers. Delegated authority may also be given to the Operational Director to deal with the application e.g. following negotiations and amendments.

**Can I use slides or overhead transparencies, video presentations or circulate supporting documents?**

No - slides or overhead transparencies or video presentations are not allowed. If you wish to circulate supporting documents you must discuss this with the case officer in the first instance. If you decide to send information direct to councillors that is your responsibility. A list of Councillors names is available from the Members' Office on 0151 424 2061. Please do not send documents to the Council for this purpose.

**What can I say at the meeting?**

You are advised to make a statement of fact or opinion, but you are likely to have the greatest impact if you:

- Are brief and to the point
- Limit your views to the planning application
- Focus on the relevant planning issues which may help the committee reach their decision.

**What are the relevant issues in considering proposals?**

The relevant issues will vary with the nature of the proposal and the date, but examples include the following:

- Local Plan and draft Unitary Development policies
- Government planning guidance (PPGs)
- Planning law and previous decisions by the Council on (an appeal) by the Secretary of State.
- Noise, disturbance, smells
- Residential amenity
- Design, appearance and layout
- Impact on trees, listed buildings, conservation areas, and archaeological heritage
- Public open space provision

**What issues are usually irrelevant in considering proposals?**

These will vary from case to case but the following are usually irrelevant:

- Matters covered by other laws, licences and environmental controls
- Boundary or area disputes
- The developer's morals or motives
- Suspected further development
- Loss of view over other people's land
- Effects on value of property
- Personal matters
- Land ownership

You should particularly note that the laws of slander are very strict. If you say something defamatory in public about a person that is untrue, even if you believe it to

be true, you may be at risk of legal action. You should therefore think carefully about any criticisms you may wish to make about people when speaking at the Committee.

### **Where are the Committee meetings held?**

Development Control Committee meetings are normally held in the Council Chamber at Runcorn Town Hall, Runcorn, and the meetings usually start at 6.30pm. If you have completed a form asking to speak you must arrive at the Town Hall between 5.30pm and 6.00pm to request your invitation to speak.

### **How are Parish Councils involved?**

Parish Councils are consulted on all planning applications. For details of your Parish Council clerk please contact Lynn Donnelly on 0151 424 2061 Ext. 3094. Parish Councils have separate arrangements for speaking at the Committee. The Chairman will use his discretion to fit any Parish Council public comments with these public speaking arrangements.

### **The role of Borough Councillors:**

Councillors are elected to represent you on the Borough Council. You may like to contact your Councillor to discuss a planning application. However, he or she will not be able to commit him or herself to a decision before hearing all the evidence and debate at the relevant Development Control Committee meeting if they are a member of the committee. If you wish a councillor to represent your views at the Committee then it is advisable to contact a councillor who is not on the committee itself.

### **Who do I ask if I have any other queries?**

If you have any questions not answered by this leaflet, or any other comments please contact the case officer responsible for the planning applications or:

Mr P. Watts,  
Operational Director – Environmental and  
Regulatory Services, Planning Department,  
Environment Directorate,  
Halton Borough Council,  
Grosvenor House,  
Halton Lea,  
Runcorn,  
Cheshire,  
WA7 2GW.

Tel: 0151 424 2061 Ext. 3089

Fax: 0151 471 7314

Email: [dev.control@halton.gov.uk](mailto:dev.control@halton.gov.uk)