



# CONSTITUTION

By resolution of the Council  
on 18 May 2021

## CONTENTS

		<b>Page</b>
Chapter 1	Summary and Explanation	<b>4</b>
Chapter 2	Articles of the Constitution	
	Article 1	<b>8</b>
	Article 2	<b>11</b>
	Article 3	<b>12</b>
	Article 4	<b>14</b>
	Article 5	<b>16</b>
	Article 6	<b>18</b>
		<b>Boards</b>
	Article 7	<b>23</b>
	Article 8	<b>24</b>
	Article 9	<b>24</b>
		<b>Committees</b>
	Article 10	<b>25</b>
	Article 11	<b>25</b>
	Article 12	<b>27</b>
	Article 13	<b>30</b>
	Article 14	<b>32</b>
		<b>Matters</b>
	Article 15	<b>32</b>
		<b>Review and Revision of the Constitution</b>
	Article 16	<b>33</b>
		<b>Suspension, Interpretation and Publication of the Constitution</b>
	Schedule 1	<b>34</b>
		<b>Description of Executive Arrangements</b>
Chapter 3	Responsibility for Functions	<b>36</b>
Chapter 4	Access to Information	<b>37</b>
	Procedure Rules	
	Budget and Policy Framework	<b>48</b>
	Procedure Rules	
	Executive Procedure Rules	<b>52</b>
	Policy and Performance	<b>56</b>
	Board Procedure Rules	
	Finance Standing Orders	<b>64</b>
	Procurement Standing Orders	<b>108</b>
	Standing Orders relating to	<b>132</b>
	Sale of Assets Including Land	

	Standing Orders Relating to Accommodation	<b>135</b>
	Standing Orders Relating to ICT	<b>136</b>
	Standing Orders Relating to Staff	<b>146</b>
	Officer Employment Procedure Rules	<b>150</b>
Chapter 5	Codes and Protocols	<b>154</b>
	Principles of Good Governance	<b>156</b>
	Members' Code of Conduct	<b>174</b>
	Officers' Code of Conduct	<b>192</b>
	Protocol on Member/Officer Relations	<b>198</b>
	Confidential Reporting Code ("Whistleblowing Policy")	<b>201</b>
	Anti-Fraud, Bribery and Corruption Policy	<b>211</b>
	Fraud Response Plan	<b>218</b>
	Fraud Sanction and Prosecution Policy	<b>222</b>
Chapter 6	Scheme of Members' Allowances	<b>226</b>
Chapter 7	Management Structure	<b>232</b>
Chapter 8	Role Profiles	<b>233</b>
Appendix 1	Citizens' Rights of Access to Information, Meetings, etc.	<b>241</b>
Appendix 2	Code of Conduct Relating to Members' Access to Council Documents	<b>245</b>
Appendix 3	Council's Dispute Solving Process	<b>248</b>
Appendix 4	Standing Orders Relating to Powers and Duties of Executive Boards, Policy and Performance Boards, Committees and Area Forums and Panels	<b>251</b>
	Standing Orders Relating to Duties of Proper Officers and Delegation to Officers	<b>280</b>

Appendix 5	Standing Orders Relating to Conduct of Council Business	<b>329</b>
Appendix 6	Public Speaking on Planning Applications	<b>356</b>
<b>INDEX</b>		<b>360</b>

# 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 Audit and Governance Board 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, Panels and Committees. The Leader is responsible for appointing members to 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/she 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 Health Policy & Performance Board. Policy and Performance Boards also have scope to examine issues and activities involving other agencies, organisations and partnerships.

## **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 Monitoring Officer 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. David Parr, Chief Executive, Municipal Building, Kingsway, Widnes WA8 7QF – Tel 0303 333 4300.

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 together to promote well-being and 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**

Halton's ambition is to build stronger, safer communities which are able to support the development and learning of children and young people, so they grow up feeling safe, secure, happy and healthy, and are ready to be Halton's present and Halton's future.

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

### **Our overall aim**

To create an economically prosperous Borough that encourages investment, enterprise and business growth, and improves the opportunities for learning and development together with the skills and employment prospects of both residents and workforce so that they are able to feel included socially and financially.

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

### **Our overall aim**

To deliver continued and positive improvement 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. 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 was maintained and improved upon, a formal multi-agency partnership board, known as the Halton Strategic Partnership Board was established in 2002. The Board agreed a long-term vision for Halton called the Sustainable Community Strategy, which defined the type of place we want Halton to be. It looked at the key priorities for Halton, and where future resources and services across all the agencies might be more effectively co-ordinated and targeted to those areas most in need. In light of the Health and Social Care Act's requirement to create a Health and Wellbeing Board, the two Boards have been merged to avoid duplication and ensure a better fit for purpose.

### **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 2017 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.

\*This date may be adjusted according to the timings of General or European elections

### **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.

Citizens also have the right to submit petitions for consideration by the Council on matters other than a licensing decision, a planning decision or a matter relating to an individual or entity, where there is already a statutory right to a review or appeal. Any petition submitted should have a minimum 25 signatures before it can be considered.

(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 schemes;

(ii) the Council itself about a breach of the Councillor's Code of Conduct;

(iii) the Local Government Ombudsman after using the Council's own complaints scheme.

### **General Complaints**

In order to ensure that complaints about the provision of services are dealt with in a consistent manner, the Council has in place a 'Corporate Complaints Procedure'. This procedure covers formal complaints, that is, dissatisfaction about the standard of a service, or the actions or inaction of the Council.

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;
- Routine requests for a service or information;
- Matters for which there is a right of appeal or legal remedy; and

- Complaints relating to Council policies or decisions (first bullet point) are eligible to be treated as a Corporate Complaint but are not permitted to proceed beyond Stage 1.

In addition, the Council also has separate statutory procedures in place for dealing with complaints in relation to the provision of Adult Social Care and Children's Social Care Services.

Details of each of the Council's complaints procedures are available from the Council's website at <http://www4.halton.gov.uk/Pages/councildemocracy/Contact-Us.aspx> or they can be requested in person from any of the Council's Direct Link facilities.

### **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:-

- Sustainable Community Strategy;
- Corporate Plan;
- Organisational Development Strategy;
- Health and Wellbeing Strategy;
- Children and Young People Plan;
- Documents that comprise the Development Plan (for Town Planning)
- Local Transport Plan;
- Directorate Business Plans;
- Housing Strategy;
- Medium Term Financial Strategy;
- Efficiency Programme;
- Single Equality Framework;
- Contaminated Land Strategy

#### **(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:

- (i) adopting and changing the Constitution;
- (ii) approving or adopting the policy framework (subject to special provisions applicable to the development plan documents) and the budget;
- (iii) 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;
- (iv) appointing the Leader;
- (v) 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;
- (vi) appointing representatives to outside bodies unless the appointment is an Executive function or has been delegated by the Council (NB casual vacancies and mid-year appointments arising during the year are delegated to the Chief Executive in consultation with the Leader);
- (vii) adopting an Allowances Scheme under Article 2.05;
- (viii) applying to change the name of the area, conferring the title of Honorary Alderman or Freedom of the Borough;
- (ix) confirming the appointment of the Head of Paid Service;
- (x) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (xi) 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
- (xii) 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 Appendix 5 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 Chairing 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.); and

(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:

- (i) 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;
- (ii) 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;
- (iii) to promote public involvement in the Council's activities;
- (iv) to attend such civic and ceremonial functions as the Council and he/she determines appropriate; and
- (v) 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.
HEALTH 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, YOUNG PEOPLE AND FAMILIES POLICY AND PERFORMANCE BOARD	The primary function is to focus on the work of the Council and Halton's Children's Trust 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 AND COMMUNITY 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, the skills and employment prospects of its residents, and their access to good sporting and cultural amenities, to scrutinise progress against the Corporate Plan in relation to the Employment, Learning and Skills Priority.
SAFER POLICY AND PERFORMANCE BOARD	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 for local people to enjoy, and

	to scrutinise progress against the Corporate Plan in relation to the Safer Halton Priority.
ENVIRONMENT AND URBAN RENEWAL POLICY AND PERFORMANCE BOARD	The primary function is to focus on the work of the Council (and its Partners) in seeking to enrich and provide a more sustainable physical environment and to bring about the Urban Renewal of the Borough and to scrutinise progress against the Corporate Plan in relation to the Urban Renewal Priority.

## 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;
- (iii) make reports and/or recommendations to the full Council and/or the Executive and/or any organisation, partnership or joint arrangement in connection with the discharge of any functions;
- (iv) consider any matter affecting the area or its inhabitants; and
- (v) exercise the right to call-in, for reconsideration, when a decision is made but not yet implemented by the Executive Board.

## 6.03 Scrutiny

Policy and Performance Boards may

- (i) review and scrutinise the decisions made by, and the performance of, the Executive Board 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; and

(v) 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; and
  - (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 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 Complaints Procedure and make recommendations to the Executive Board.
  11. 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.

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 & Performance Board.

#### 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 **Scrutiny Co-Ordinator**

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 Leader together with at least 2, but not more than 9, Councillors appointed to the Executive by the 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 to the position of Leader by the Council. The Leader will hold office until:

- (a) the Annual Meeting after the Leader's normal day of retirement as a Councillor; or
- (b) he/she resigns from the office; or
- (c) 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
- (d) he/she is no longer a Councillor; or
- (e) in the event of a change in the political control of the Council or
- (f) he/she is removed by Council resolution.

### **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 – Audit and Governance Board**

### **8.01 Audit and Governance Board**

The Audit and Governance Board is responsible for drawing up an Efficiency Strategy and 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. It is also responsible for the standards functions of the Council.

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 Management Committee
- The Appeals Panel
- The Appointments Committee
- The Regulatory Committee
- The Mayoral Committee
- The Schools Forum
- The Independent Persons Panel

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

## **Article 10 – Local Area Forums**

### **10.01 Local Area Forums**

The Council may appoint Local 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 activities of Local Area Forum Projects 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 Local Area Forums.

## **Article 11 – Joint Arrangements**

### **11.01 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.

### **11.02 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.

#### **11.03 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.

#### **11.04 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.

#### **11.05 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 12 – Officers

### 12.01 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 who will be designated Chief Officers.

(c) **The Council will designate the following posts as shown, carrying out the statutory roles as indicated:**

POST	STATUTORY ROLE
Chief Executive	Head of Paid Service
Operational Director – Finance	Chief Finance Officer (S 151 Officer)
Operational Director (Legal and Democratic Services)	Monitoring Officer
Strategic Director – People	Director of Children’s Services Director of Housing
Director of Adult Social Services	Director of Adult Social Services
Director of Public Health	Director of Public Health
Strategic Director – Enterprise, Community and Resources	Statutory Scrutiny Officer (S 31 Officer)

Such posts will have the functions described in Article 13.02–13.08 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.

### 12.02 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) Discharge of Other functions and responsibilities

Overall corporate management, operational responsibility (including overall management responsibility for all Officers).

Provision of professional advice to all parties in the decision making process.

Together with the Monitoring Officer, responsibility for a system of record keeping for all the Council's decisions.

Representing the Council on partnership and external bodies (as required by statute or the Council).

(c) **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.

### 12.03 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 inspection by Members, staff and the public.

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

(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.

#### **12.04 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.

#### **12.05 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.

#### **12.06 Functions of the Director of Public Health**

The Director of Public Health will exercise all functions under the National Health Service Act 2006 and related legislation.

#### **12.07 Functions of the Director of Adult Social Services**

Delivery of the Local Authority’s responsibilities for assessing, planning and commissioning adult social care and wellbeing services to meet the needs of all adults with social care needs in the authority’s area.

#### **12.08 Functions of Statutory Scrutiny Officer**

To promote the role of the Authority’s Overview and Scrutiny Committee(s).

To provide support to the Authority’s Overview and Scrutiny Committee(s) and its Members.

To provide support and guidance to (i) Members of the Authority, (ii) Members of the Executive, (iii) Officers of the Authority, in relation to the functions of the Authority's Overview and Scrutiny Committee(s).

### **12.09 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.

### **12.10 Employment**

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

## **Article 13 – Decision Making**

### **13.01 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.

### **13.02 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; and
- v. Clarity – there will be a clarity of aims and desired outcomes in respect of every decision made

### **13.03 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.

**13.04 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.

**13.05 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.

**13.06 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.

**13.07 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.

**13.08 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 14 – Finance, Contracts and Legal Matters**

### **14.01 Financial management**

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

### **14.02 Contracts**

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

### **14.03 Legal proceedings**

The Operational Director (Legal and Democratic Services) is authorised to 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.

### **14.04 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 Operational Director (Legal and Democratic Services) 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 £1,000,000 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, together with another Officer of the Authority nominated by the said Operational Director, or made under the common seal of the Council attested by the Operational Director (Legal and Democratic Services) or his/her nominee.

### **14.05 Common Seal of the Council**

The Common Seal of the Council will be kept in a safe place in the custody of the Operational Director (Legal and Democratic Services). 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 Operational Director (Legal and Democratic Services) should be sealed. The affixing of the Common Seal will be attested by the Operational Director (Legal and Democratic Services) or some other person authorised by him/her.

## **Article 15– Review and Revision of the Constitution**

### **15.01 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.

### **15.02 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 Resources.

(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 16 – Suspension, Interpretation and Publication of the Constitution**

### **16.01 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, or Council if appropriate.

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".

### **16.02 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.

### **16.03 Publication**

(a) The Chief Executive will ensure that each Member of the authority has access to a printed copy of this Constitution.

(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 (Locality Area Forum Projects) – Locality Area Forum Projects 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 Powers and Duties of the 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 Disclosable Pecuniary Interest/Disclosable Other 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 and the Localism Act 2011 (Section 27). 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, Moore, Halebank and Sandymoor.

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

#### **1. SCOPE**

These rules apply to all meetings of the Council, Policy and Performance Boards, the Audit and Governance Board, and Regulatory Committees and public meetings of the Executive (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 day's 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 (i.e. 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 14.03 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. This requirement does not include meetings, whose sole purpose is for Officers to brief Members.

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

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.

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; and
- (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.

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 5 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 Chair or any five 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 day's 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 Finance 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 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 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. 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.

The rules relating to Virement are covered in section 5.2.2.2 of Finance Standing Orders.

## **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 10 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 shall be 5.

## **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 the 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 Audit and Governance Board 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 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 Portfolio Holder or an Officer acting under delegated powers) in relation thereto; and
  - (ix) Monitor, scrutinise and offer comments and recommendations on the performance, effectiveness, policy and plans of key partners and partnerships, in so far as they relate to the remit of each Policy and Performance Board.
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 and Performance Board when appropriate.
10. To consult with the Executive on any plan or strategy including strategic policy.
11. To monitor the 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 & Performance Board.

### **1.3 Additional Provision**

Where a matter falls within the remit of more than one Policy and Performance Board, the Scrutiny Coordinator, in consultation with the respective PPB Chairs, shall determine which Policy and Performance Board shall assume responsibility for the particular issue.

No item shall be placed on the agenda of more than one Policy and Performance Board.

Where an item is of interest to Members of another Policy and Performance Board, they shall be entitled to attend the meeting of the PPB considering the matter, as of right.

## **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, Young People and Families 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, Young People and Families 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 (N.B. 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 4 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 Chair 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 Chair will decide which items should be included on the agenda and which items are more suitable for inclusion in the 'News in Brief' publication.

However, any Member of a Policy and Performance Board shall be entitled to give notice to the Chair 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 may be called-in not later than 5 working days after the publication of the Minutes of the Executive Board. 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 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 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. 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.

Decisions requiring immediate action and so specified in the minutes of the Executive 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 Chairs of the Policy and Performance Boards in order to discuss co-ordination of issues, so avoiding duplication, and to share best practice.

**STANDING ORDERS**  
**FINANCE STANDING ORDERS**

**PART 1 - PURPOSE OF FINANCE STANDING ORDERS**

**PART 2 – INTERPRETATIONS**

**PART 3 – RESPONSIBILITIES**

- 3.1 - Operational Director - Finance
- 3.2 - Strategic Directors
- 3.3 - Operational Directors
- 3.4 - Certifying Officers
- 3.5 - All Officers & Members
- 3.6 - Unofficial Funds
- 3.7 - Urgent Action
- 3.8 - Application of Finance Standing Orders

**PART 4 - FINANCIAL PLANNING AND BUDGET SETTING**

- 4.1 - Financial Planning
- 4.2 - Capital Programme
- 4.3 - Revenue Budgets

**PART 5 – BUDGETARY CONTROL**

- 5.1 - Capital Control
- 5.2 - Revenue Control

**PART 6 - ACCOUNTING AND FINANCIAL MANAGEMENT**

- 6.1 - Financial Systems
- 6.2 - Internal Audit
- 6.3 - Insurance
- 6.4 - Banking Arrangements and Cheques
- 6.5 - Treasury Management, Borrowing and Investment
- 6.6 - Support for Small and Medium Enterprises Scheme
- 6.7 - Leasing and Credit Arrangements
- 6.8 - Subsidies, Grants and Agency Reimbursements
- 6.9 - Taxation
- 6.10 - Value Added Tax
- 6.11 - Construction Industry Tax Scheme (CIS)
- 6.12 - Financial Reserves and Balances

## **PART 7 - ASSET CONTROL**

- 7.1 - Land and Buildings**
- 7.2 - Movable Property**
- 7.3 - Vehicles and Plant**
- 7.4 - Stocks and Stores**
- 7.5 - Security**
- 7.6 - Unauthorised Use of Council Property**
- 7.7 - Lost Property**
- 7.8 - Disposal of Assets**

## **PART 8 - EXPENDITURE CONTROL**

- 8.1 - Payroll**
- 8.2 - Purchase Orders**
- 8.3 - Invoices and Creditor Payments**
- 8.4 - Expenses and Allowances**
- 8.5 - Petty Cash**

## **PART 9 - INCOME CONTROL**

- 9.1 - Income**

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

- 10.1 - General**
- 10.2 - Receiving Money**
- 10.3 - Security of Money**
- 10.4 - Depositing Money and Banking**
- 10.5 - Records and Stationery**

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

- 11.1 - Reporting Arrangements**
- 11.2 - Police Involvement**

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

Finance Standing Orders 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, Bribery and Corruption Policy and the Prevention of the Facilitation of Tax Evasion Policy;
- Promote value for money in the use of resources.

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

The Operational Director – Finance is responsible for maintaining a continuous review of the Finance Standing Orders 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.

### **Head of Internal Audit**

- is the Officer responsible for managing the Council's internal audit function. This responsibility is assigned to the Divisional Manager – Audit, Procurement & Operational Finance.

### **Money**

- means cash, cheques, 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 - FINANCE**

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

3.1.2 The Operational Director – Finance 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 2015

3.1.3 The Operational Director - Finance 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 - Finance 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, Bribery and Corruption Policy;
- Fraud Response Plan;
- Fraud Sanction and Prosecution Policy;
- Prevention of the Facilitation of Tax Evasion Policy.

### **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 - Finance 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 – Finance and seek approval on any matter liable to affect the authority’s finances materially before any commitments are incurred.
- 3.2.5 Strategic Directors must consult with the Operational Director – Finance before making changes to existing financial systems or establishing new systems, to allow for proper consideration of system controls.
- 3.2.6 Strategic Directors are responsible for ensuring that any agreed actions from audit reports are implemented in a timely and efficient manner.

**3.3 OPERATIONAL DIRECTORS**

- 3.3.1 Operational Directors may have responsibility delegated to them by Strategic Directors for (a) certain financial matters, including budget monitoring and control and will be held accountable for those budgets; and (b) the drawing up of a list of those Officers authorised to certify accounts, invoices, orders and expenditure vouchers.

**3.4 CERTIFYING OFFICERS**

- 3.4.1 Strategic Directors shall draw up a list, with the agreement of the Head of Internal Audit, 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:

	Limit (£)
Strategic Directors or Chief Executive	Over 1,000,000
Operational Directors	1,000,000
Divisional Managers**	100,000
Other specific managers	10,000
Other nominated Officers	1,000

\*\* where there is no Divisional Manager post within a Departmental structure, an Operational Director may delegate equivalent authority to a nominated manager if there is an operational need to do so.

- 3.4.2 The financial limits specified under 3.4.1 above will be used to control access to financial systems and on-line transaction approval.
- 3.4.3 Authorised certifying officers have a responsibility to assist internal auditors when reviewing any internal or financial control system for which they are responsible.
- 3.4.4 Where Adult Social Care service users are eligible to access statutory funded care the following authorisation arrangements will apply:

<b>Cost of Weekly Package of Care</b>	<b>Authorisation</b>
<£600	Practice Manager or above
£600-£1,000	Principal Manager or above
£1,001-£2,500	Divisional Manager or above
£2,501 +	Director of Adult Social Care

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

- 3.5.1 Any officer charged with the use or care of the Council's resources should inform himself/herself of the Council's requirements under Finance Standing Orders and Procurement Standing Orders. If any officer requires clarification of their obligations, they should seek advice from the Operational Director – Finance.
- 3.5.2 All officers and Members have responsibilities to protect the resources they administer on behalf of the Council. Council resources must be administered to the benefit of the taxpayer and not for private gain.
- 3.5.3 Any officer or Member shall immediately report to the Head of Internal Audit, either directly or through the appropriate manager, any circumstances which suggest the possibility of financial irregularity, loss, fraud or corruption.

### **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 Head of Internal Audit, 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 two

Strategic Directors acting jointly) may take such action and the Finance Standing Orders 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 FINANCE STANDING ORDERS**

- 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 - Finance shall prepare each year a Financial Strategy covering a period of up to three years, which shall include forecasts of both spending needs and available resources.

### **4.2 CAPITAL PROGRAMME**

- 4.2.1 The Operational Director - Finance 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 Council for approval.
- 4.2.3 The Operational Director - Finance can vary the Capital Programme up to:
- 10% on schemes costing less than £5m
  - £500,000 on schemes costing £5m and above

### **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 - Finance.
- 4.3.2 The Operational Director - Finance 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 - Finance 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 Council has been obtained in accordance with the Procurement Standing Orders.
- 5.1.2 The approval, funding, monitoring, control and accounting treatment of all capital expenditure shall be in accordance with the Capital Guidance reported annually to Executive Board as part of the Council's Capital Strategy.
- 5.1.3 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 – Finance shall then make the appropriate financial provision.
- 5.1.4 Strategic Directors are responsible for managing the Capital Programme for their Directorate.
- 5.1.5 Variations in the cost of approved schemes up to £500,000 may be addressed by capital virement under the powers delegated to the Operational Director – Finance, as set out in Standing Order 4.2.3. Virement exceeding £500,000 may only be approved by the Executive Board. Virements within a programme may only be authorised with the written approval of the Operational Director – Finance or by the Executive Board.
- 5.1.6 The appropriate Strategic Director must immediately produce a report for the Executive Board where the total cost of an individual scheme is forecast to exceed the figure approved for that scheme by 10% on schemes costing less than £5m and £500,000 on schemes costing £5m and above (subject to a minimum of £25,000). The report shall identify how the increased cost of the scheme will be dealt with.
- 5.1.7 The Operational Director – Finance shall amend the Capital Programme to reflect changes in the spending profiles of approved schemes which do not increase the total cost of those schemes. Where the total cost of such schemes also increases then the requirements of Finance Standing Order 5.1.5 shall apply.
- 5.1.8 The Operational Director - Finance shall report quarterly to the Executive Board on capital spends.
- 5.1.9 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.
- 5.1.10 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 - Finance shall provide financial information to enable budget holders to monitor and control their budgets.

The Operational Director - Finance shall monitor the Council's overall budget and report thereon quarterly 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 Finance Officer shall be informed of all such adjustments in writing.

No revisions are permitted which involve a change in policy 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 Finance Officer.

#### 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 is not represented by a re-profiling of budgeted spend, an allocation of subsidies, grants and reimbursements or a transfer of budgets from one cost centre to another that involves no change to a role, management or diversion of resources.

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. Virements which commit expenditure into future years should not be done so without the prior approval of the Operational Director – Finance.

Authorisation of a virement, which does not involve a change in policy or commits expenditure into future years, will be subject to the authorisation limits set out in the approved certifying officers list (see para 3.4.1 of Finance Standing Orders)

Authorised virements will be processed via Agresso. Virements will not be processed without the authorisation of both the contributing and receiving sides of the budget transfer.

#### 5.2.2.3 Contingency Budgets

When potential overspends impacting on current and future year budgets cannot be virement is not allowed, an application for a contribution from the contingency budget may be necessary..

Where an application for a contingency contribution does not exceed £250,000, it may be approved by the Operational Director – Finance in conjunction with the Portfolio holder for Resources.

Where an application for a contingency contribution would exceed £250,000, it may only be approved by the Executive Board.

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

### **6.1 FINANCIAL SYSTEMS**

- 6.1.1 The Operational Director - Finance 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 Each Strategic Director, with the agreement of the Head of Internal Audit, 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 Head of Internal Audit and shall be amended on the occasion of any change.

### **6.2 INTERNAL AUDIT**

#### **6.2.1 Internal Audit Charter**

- (a) Section 151 of the Local Government Finance Act requires that 'every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs'. The Council has designated this statutory responsibility to the Operational Director - Finance. As such, the Operational Director- Finance is the statutory officer responsible for ensuring that the Council's internal audit arrangements conform to the Public Sector Internal Audit Standards, which represent mandatory proper practice for internal audit in local government.
- (b) The Public Sector Internal Audit Standards require that the purpose, authority and responsibility of the internal audit activity are formally defined in an internal audit charter. The provisions contained within Section 6.2 of Finance Standing Orders shall therefore constitute the Council's Internal Audit Charter.
- (c) The purpose of the Internal Audit Charter is to:
- Define the purpose, authority and responsibility of Internal Audit;
  - Establish the position of Internal Audit within the Council and its reporting lines;
  - Authorise access to records, personnel and physical property relevant to the performance of the audit work; and
  - Define the scope of internal audit activities.

## 6.2.2 Definitions

The Public Sector Internal Audit Standards require that the following terms are defined in respect of the internal audit function:

<b>Internal Auditing:</b>	An independent, objective assurance and consulting activity designed to add value and improve an organisation's operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.
<b>The Board:</b>	The Audit and Governance Board has delegated responsibility for overseeing the work of Internal Audit. The powers and duties of the Audit and Governance Board are set out in Appendix 4 of Chapter 8 of the Council Constitution.
<b>Senior Management:</b>	The Chief Executive and members of the Council's Management Team.
<b>Chief Audit Executive:</b>	The Divisional Manager – Audit, Procurement & Operational Finance.

## 6.2.3 Purpose of Internal Audit

- (a) The Accounts and Audit Regulations 2015 (Regulation 5 (1)) require that local authorities 'must undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes, taking into account public sector internal auditing standards or guidance'.
- (b) Internal Audit will therefore evaluate and contribute to the improvement of risk management, control and governance processes using a systematic and disciplined approach.
- (c) Internal audit work will also seek to enhance and protect organisational value by providing risk-based and objective assurance, advice and insight.

## 6.2.4 Core Principles for the Professional Practice of Internal Auditing

The Public Sector Internal Audit Standards outline ten core principles for the provision of an effective internal audit:

- Demonstrates integrity

- Demonstrates competence and due professional care
- Is objective and free from undue influence (independent)
- Aligns with the strategies, objectives and risks of the organisation
- Is appropriately positioned and adequately resourced
- Demonstrates quality and continuous improvement
- Communicates effectively
- Provides risk-based assurance
- Is insightful, proactive and future-focused
- Promotes organisational improvement

### **6.2.5 Professionalism and Ethics**

- (a) Internal audit activity is governed by adherence to the Public Sector Internal Audit Standards. This guidance constitutes principles of fundamental requirements for the professional practice of internal auditing and for the evaluating the effectiveness of internal audit activity.
- (b) The Chief Audit Executive is responsible for managing the internal audit activity in accordance with the internal audit charter and the Definition of Internal Auditing, the Code of Ethics and the Standards. The Chief Audit Executive must hold a professional qualification (CMIIA, CCAB or equivalent) and be suitably experienced.
- (c) The Public Sector Internal Audit Standards contain a Code of Ethics, which is mandatory for all persons involved in internal audit activity in the public sector.
- (d) Internal auditors are also governed by the Code of Ethics of the relevant professional bodies of which they are a member, and all codes and policies operated by the Council.
- (e) All internal auditors are required to complete and sign a 'Code of Ethics and Declarations of Interest Statement' on an annual basis.
- (f) Internal auditors must also have regard to the Committee on Standards of Public Life's Seven Principles of Public Life, information on which can be found at [www.public-standards.gov.uk](http://www.public-standards.gov.uk).

### **6.2.6 Independence and Objectivity**

- (a) Internal audit activity must be independent and internal auditors must be objective in performing their work. In order to achieve this, internal audit activity shall operate in a framework that allows:
  - Internal auditors to be free from operational responsibilities, thereby ensuring independence from the activities audited;

- The Chief Audit Executive to have direct and unrestricted access to senior management and the Board;
  - The Chief Audit Executive to have the freedom to report in his or her name to all officers and members.
- (b) The Chief Audit Executive is responsible for ensuring the organisational independence of internal audit activity and shall report and explain to the Audit and Governance Board on how any potential impairment to independence or objectivity will be managed.
- (c) Assurance engagements for functions over which the Chief Audit Executive has responsibility must be overseen by a party outside the internal audit activity. Internal auditors shall also have direct access to senior management, if required, to report any concerns relating to functions over which the Chief Audit Executive has responsibility.

#### **6.2.7 Scope of Internal Audit**

- (a) The Chief Audit Executive is responsible for providing a continuous internal audit. The scope of assurance services to be provided shall extend to the entire governance, risk management, and internal processes of the Council, comprising financial and non-financial systems.
- (b) The Chief Audit Executive will develop an annual internal audit plan based on an understanding of the significant risks to which the Council is exposed.
- (c) Assurance services will only be provided to parties outside the Council with the prior agreement of the Audit and Governance Board.
- (d) The nature of any planned consultancy or advisory services to be provided shall be set out in the annual audit plan. The Chief Audit Executive will seek approval from the Audit and Governance Board for any significant additional consulting services, prior to accepting the engagement.
- (e) The role of Internal Audit in fraud-related work is set out in the following Council documents:
- Finance Standing Orders
  - Anti-Fraud, Bribery and Corruption Policy
  - Fraud Response Plan
  - Whistleblowing Policy
  - Prevention of the Facilitation of Tax Evasion Policy
- (f) Managing the risk of fraud and corruption is the responsibility of management. However, if requested, Internal Audit may assist with the investigation of

suspected fraud and corruption. Internal auditors shall also consider the risk of fraud and corruption when planning and undertaking all audit engagements.

- (g) It is a requirement of section 11.1 of Finance Standing Orders that any officer or Member shall immediately report to the Head of Internal Audit, either directly or through line management, any circumstances which suggest the possibility of financial irregularity, loss, fraud or corruption. The circumstances will be outlined to the Strategic Director-Enterprise, Community and Resources, the Operational Director-Finance, the Operational Director-Legal and Democratic Services (Monitoring Officer) and the Chief Executive to decide what action is necessary by way of investigation and report.

#### **6.2.8 Resourcing of Internal Audit**

- (a) The Chief Audit Executive is responsible for assessing the Council's internal audit resource requirements. The Audit and Governance Board shall be informed of proposed solutions should there be an imbalance between resource availability and requirement.
- (b) The Chief Audit Executive will ensure that the Internal Audit service has access to an appropriate range of knowledge, skills, qualifications and experience required to deliver the Council's internal audit requirements.

#### **6.2.9 Authority of Internal Audit**

- (a) Internal auditors 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 Council business, and any 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 concerning any matter under examination as part of any audit engagement;
  - Require any employee of the Council to produce cash, stores, or any other property under his or her control.
- (b) 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.

#### **6.2.10 Reporting**

- (a) The findings and agreed action plans from each internal audit engagement shall be reported to the:
- Appropriate service manager(s)
  - Appropriate Strategic Director, Operational Director and Divisional Manager
  - Operational Director – Finance
  - Strategic Director – Enterprise, Community & Resources
  - Chief Executive
  - External Audit
- (b) The internal audit function forms part of the Finance Department in the Enterprise, Community & Resources Directorate. The Chief Audit Executive reports directly to the Operational Director – Finance.
- (c) The Chief Audit Executive also reports functionally to the Audit and Governance Board. The reporting arrangements include:
- Regular progress reports summarising the outcomes of internal audit work and any significant risk exposures and control issues, including fraud risks, governance issues, value for money issues and any other matters considered relevant;
  - An annual report that provides an overall internal audit opinion on the Council's control environment. This will form one of the sources of assurance that support the Council's Annual Governance Statement.

#### **6.2.11 Quality Assurance & Improvement Programme**

- (a) The Public Sector Internal Audit Standards require a Quality Assurance & Improvement Programme (QAIP) to be developed and maintained that covers all aspects of internal audit activity.
- (b) The Chief Audit Executive is responsible for ensuring that the QAIP conforms to the requirements of the Public Sector Internal Audit Standards and provides reasonable assurance to key stakeholders that Internal Audit:
- Performs its work in accordance with the Internal Audit Charter;
  - Operates in an effective and efficient manner;
  - Is adding value and continually improving the service provided.
- (c) The Chief Audit Executive will communicate to senior management and the Board on the QAIP. This will include reporting progress against any improvement plans and on the results of ongoing internal and external assessments.

### **6.3 INSURANCE**

- 6.3.1 The Operational Director – Finance shall effect all insurance cover and shall maintain a record of all policy details for notified risks.
- 6.3.2 Each Strategic Director is responsible for minimising the risks from insurance claims and must ensure that procedures are in place to do so within their areas of responsibility.
- 6.3.3 Each Operational Director shall notify the Operational Director – Finance, of all material changes in their areas of responsibility that may impact on the Council’s presentation of risk to its insurer(s).
- 6.3.4 Each Operational Director shall notify the Operational Director – Finance of new risks or properties which require insurance, and of any alterations affecting existing risks or insurance in advance of the changes to cover being required.
- 6.3.5 Each Operational Director shall notify the Operational Director - Finance in writing of any loss, liability, damage or any event which may entitle the Council to make a claim under any insurance policy.
- 6.3.6 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 – Finance accordingly.
- 6.3.7 The Operational Director – Finance, or authorised representative where applicable, 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 - Finance who shall operate such accounts as he/she considers necessary.

All bank accounts held shall be in the name “Halton Borough Council”

- 6.4.2 Cheques, bank transfers, direct debits or other instructions to the Council's bankers, must be certified by any one of the following;
  - Chief Executive
  - Strategic Director – Enterprise, Community and Resources
  - Operational Director - Finance
  - Divisional Manager – Financial Management and Revenues
  - Divisional Manager – Audit, Procurement and Operational Finance
  - Divisional Manager – Benefits
  - Divisional Manager – Policy, People, Performance and Efficiency
- 6.4.3 All cheque stationery shall be ordered and controlled by the Operational Director – Finance who shall make proper arrangements for its safe custody.

6.4.4 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 - Finance and the appropriate Strategic Director.

6.4.5 Only the Operational Director- Finance, or authorised representative where applicable, shall have the authority to request additional Corporate Credit Cards.

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

6.5.1 The Council will create and maintain, as the cornerstones for effective treasury management:

- A treasury management policy statement, stating the policy, objectives and approach to risk management of its treasury management activities;
- Suitable treasury management practices (TMPs), setting out the manner in which the Council will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.

The content of the policy statement and TMPs will follow the recommendations contained in Sections 6 and 7 of the CIPFA Code of Practice for Treasury Management in the Public Services, subject to amendment where necessary to reflect the particular circumstances of the Council. Such amendments will not result in the Council materially deviating from the Code's key principles.

6.5.2 The Council will receive reports on its treasury management policies, practices and activities, including, as a minimum, an annual strategy and plan in advance of the year, a mid-year review and an annual report after its close, in the form prescribed in its TMPs.

6.5.3 The Council delegates responsibility for the implementation and regular monitoring of its treasury management policies and practices to the Executive Board, and for the execution and administration of treasury management decisions to the Operational Director – Finance, who will act in accordance with the Council's policy statement and TMPs and, if he / she is a CIPFA member, CIPFA's *Standard of Professional Practice on Treasury Management*.

6.5.4 The Council nominates the Corporate Services Policy and Performance Board to be responsible for ensuring effective scrutiny of the treasury management strategy and policies.

6.5.5 The Operational Director - Finance shall be the Council's registrar of stocks, bonds and mortgages and shall maintain records of all borrowing by the Council.

6.5.6 Borrowing and investments shall be made in the name of the Council.

- 6.5.7 All treasury management transactions must receive authorisation. Consideration must be given to the length and value of the transaction and that it satisfies the Council's priority towards security, liquidity and yield.

#### **Authorisation Limits for Borrowings**

- Short term borrowings (up to 364 days) <=£10m will be arranged by a member of the Treasury Management team under the delegated powers of the Operational Director - Finance as per the Treasury Management Policy Statement. All dealings will be subsequently authorised by one of the bank signatory officers listed in paragraph 6.4.2 of Finance Standing Orders.
- Long term borrowings and short term borrowings >£10m must be authorised by one of the following officers:
  - Chief Executive,
  - Strategic Director – Enterprise, Community & Resources
  - Operational Director – Finance.

#### **Authorisation Limits for Investments**

- Investments <=£10m and up to six months in duration must be authorised by one of the bank signatory officers listed in paragraph 6.4.2 of Finance Standing Orders.
- Investments >£10m and all investments greater than six months in duration must be authorised by one of the following officers:
  - Chief Executive,
  - Any Strategic Director
  - Operational Director – Finance.

- 6.5.8 All investments must be made in accordance with the approved Council Counterparty List, which is set out in the Treasury Management Strategy.

### **6.6 SUPPORT FOR SMALL AND MEDIUM ENTERPRISES SCHEME**

- 6.6.1 All applications under the Support or Small and Medium Enterprises Scheme, will be evaluated in accordance with the criteria and processes established for the Scheme and approved by Council.

- 6.6.2 The award of business loans in relation to successful applications under the Support for Small and Medium Enterprises Scheme, shall be authorised as follows:

- 1) The award of business loans up to £1m shall be approved by the Operational Director, Finance, in liaison with the Executive Board Portfolio Holder for Resources and the Operational Director, Economy, Enterprise and Property.
- 2) The award of business loans between £1m and £5m shall be approved by the Chief Executive in liaison with the Leader of the Council, the Executive Board Portfolio Holder for Resources, the Operational

Director, Finance and the Operational Director, Economy, Enterprise and Property.

- 3) The award of business loans greater than £5m will be a matter for decision by Executive Board.

## **6.7 LEASING AND CREDIT ARRANGEMENTS**

### **6.7.1 Types of Lease**

A lease is an arrangement whereby the lessor provides the lessee, in return for a payment or series of payments, the right to use an asset for an agreed period of time.

The funding and accounting arrangements in respect of leases are determined by whether the arrangement is defined as either a Finance lease or an Operating lease. Each of these carries significantly different financial and accounting implications.

In overall terms, a Finance lease transfers substantially to the lessee all the risks and rewards relating to ownership of an asset. Ownership of the asset may or may not be transferred at the end of the lease period. An Operating lease is any lease which does not meet the definition of a Finance lease. Certain other service provision arrangements may include the right to use assets and may therefore also fall within the definition of a lease.

The definition of a lease includes Hire Purchase arrangements (see paragraph 6.7.1.4). Therefore the requirements of leases similarly apply to Hire Purchase arrangements.

Whether a lease is defined as a Finance or Operating lease depends upon the substance of the transaction rather than the form of the contract.

Leases of land and buildings are classified as Finance or Operating leases in the same way as leases of any other assets. However, the land and buildings elements of a combined land and buildings lease must be considered separately for the purpose of lease classification.

Before any type of lease or quasi-lease arrangement is entered into the full details of the arrangement must first be approved by the Operational Director – Finance, or his/her authorised representative where applicable.

#### **6.7.1.1 Finance Leases**

The following circumstances would normally lead to a lease being classified as a Finance lease:

- 1) the lease transfers ownership of the asset to the lessee by the end of the lease term;

- 2) the lessee has the option to purchase the asset at a price that is expected to be sufficiently lower than the fair value, so as to make it reasonably certain the option will be exercised;
- 3) the lease term is for the major part of the economic life of the asset;
- 4) the present value of the minimum lease payments amounts to at least substantially all of the fair value of the leased asset;
- 5) The leased assets are of such a specialised nature that only the lessee can use them without major modifications.

However, the above circumstances are not always conclusive. If it is clear from other features that the lease does not transfer substantially all risks and rewards incidental to the ownership, then the lease will instead be classified as an Operating lease.

In the case of a Finance lease a finance company provides the capital to purchase the asset which is acquired by the Council. The Council carries all the financial risks, with a non-cancellable primary lease period and an optional secondary lease term at nominal rental. For a Finance lease the finance company is looking to recover the full cost of the asset from the primary lease period. The liability must appear on the Council's Balance Sheet with a note of future liability.

An asset financed in this way must be treated as a capital asset and the lease is therefore a form of capital financing.

#### 6.7.1.2 Operating Leases

In the case of an Operating lease, a finance company provides the capital to purchase the asset which is acquired by the Council. However, the Council does not carry all the financial risks since the finance company is not looking to recover the full costs of the asset from the primary lease, relying instead on its own expertise to re-market the equipment to recover any balance from resale or further rental contracts.

Because of this, Operating Leases are cheaper than Finance Leases. Assets financed in this way are never owned by the Council and therefore cannot be sold. The liability does not appear on the Council's Balance Sheet, as lease payments are treated as an on-going revenue expense over the lease term, although details of future liability must appear as a note in the Comprehensive Income and Expenditure Statement.

Assets financed by Operating leases do not count as capital assets within the Council's accounts.

#### 6.7.1.3 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.

#### 6.7.1.4 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.

Hire Purchase arrangements are defined as a form of lease. Therefore the requirements of leases set out in paragraphs 6.6.1 to 6.6.1.2 will similarly apply to Hire Purchase arrangements.

#### 6.7.2 Authorisation

Before any type of lease or quasi-lease arrangement is entered into the full details of the arrangement must first be approved by the Operational Director – Finance, or his/her authorised representative where applicable.

#### 6.7.3 Expenditure Controls

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

Although Operating Leases and Contract Hire arrangements 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 - Finance for prior approval.

### 6.8 SUBSIDIES, GRANTS AND AGENCY REIMBURSEMENTS

- 6.8.1 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 - Finance the details of all bids for funding including any match-funding required to be made by the Council.
- 6.8.2 The relevant Operational Director shall be responsible for submitting the necessary claims within the relevant time limits.
- 6.8.3 The Operational Director - Finance shall be responsible for taking all reasonable steps to ensure the prompt settlement of claims.
- 6.8.4 All claims for grant and subsidy must be signed by the Operational Director - Finance or, in their absence, by the Divisional Manager – Revenues and Financial Management.
- 6.8.5 All projects requiring, or in receipt of, external funding must be registered on the Bidtrack database.
- 6.8.6 Documentation held in support of external funding claims should be retained in accordance with guidance issued by the Operational Director – Finance or the Operational Director– Economy, Enterprise and Property.

## **6.9 TAXATION**

- 6.9.1 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.
- 6.9.2 The Strategic Director – Enterprise, Community and 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.
- 6.9.3 The Strategic Director – Enterprise, Community and Resources shall maintain an up to date knowledge and point of reference for all PAYE and NIC matters.
- 6.9.4 Each Strategic and Operational Director shall monitor their operations with regard to PAYE and NIC obligations.
- 6.9.5 All Strategic and Operational Directors shall be responsible for notifying the Strategic Director – Enterprise, Community and Resources of any changes within their area which might affect liability and collection of PAYE and NIC for those employed within that area.

## **6.10 VALUE ADDED TAX**

- 6.10.1 The Operational Director - Finance 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.
- 6.10.2 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.
- 6.10.3 The Operational Director - Finance shall maintain an up to date knowledge and point of reference for all VAT matters.
- 6.10.4 Each Strategic and Operational Director shall be responsible for notifying the Operational Director - Finance of any changes within their area which might involve VAT liability.

### **6.11 CONSTRUCTION INDUSTRY (TAX) SCHEME (CIS)**

- 6.11.1 The Operational Director – Finance – shall be responsible for ensuring that the appropriate systems and accounting arrangements are in place to properly identify and account for all transactions involving works carried out within the scope of the Construction Industry (Tax) Scheme.
- 6.11.2 Each Strategic Director shall monitor their operations with regard to the Construction Industry (Tax) Scheme.
- 6.11.3 The Operational Director – Finance – shall maintain an up to date knowledge and point of reference for all Construction Industry (Tax) Scheme.
- 6.11.4 Each Strategic and Operational Director shall be responsible for notifying the Operational Director – Finance – of any contracts awarded for construction operations.
- 6.11.5 Each Strategic Director shall be responsible for notifying the Operational Director – Finance – of any contracts awarded for construction operations where the Council is not the end user, to determine whether the Council must apply normal VAT rules or apply Domestic Reverse Charge.

### **6.12 FINANCIAL RESERVES AND BALANCES**

- 6.12.1 The Operational Director, Finance, will be responsible for maintaining and managing the Council's Reserves and Balances Strategy, which will be reported annually to Executive Board alongside the Medium Term Financial Strategy.
- 6.12.2 The Operational Director, Finance, will establish and manage financial reserves and provisions as are considered appropriate, in order to support the Council's day to day activities, to provide for potential financial commitments, and to ensure the Council's financial standing remains sound and aids the achievement of its long term objectives and corporate priorities.

## **PART 7 – ASSET CONTROL**

### **7.1 LAND AND BUILDINGS**

- 7.1 The Operational Director – Economy, Enterprise and Property shall maintain a register of all properties which the Council owns or has an interest in, recording against each all details relating thereto.
- 7.2 The Operational Director (Legal and Democratic Services) 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 7.8.

### **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 7.8.

### **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 - Finance.
- 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 stock check 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 31 March each year and shall notify the Operational Director - Finance of such value as per the Closure of Accounts guidance issued to all Budget Managers prior to 31 March.

## **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 Head of Internal Audit.
- 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 Head of Internal Audit immediately.
- 7.5.3 Cash holdings shall not at any time exceed those covered by the insurance policies and agreed with the Head of Internal Audit.
- 7.5.4 Unofficial funds and private property shall be held under secure arrangements agreed with the Head of Internal Audit.

## **7.6 UNAUTHORISED USE OF COUNCIL PROPERTY**

- 7.6.1 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.

## **7.7 LOST PROPERTY**

7.7.1 Items of lost property found or handed in on Council Premises shall be entered immediately in a Lost Property Register.

7.7.2 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.

7.7.3 Items shall be labelled and referenced to the Register and stored in a safe place. Any cash shall be banked as soon as possible.

7.7.4 Any claim shall be paid by cheque or out of Petty Cash, depending on the sum involved, and referenced to the Lost Property Register.

7.7.5 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 7.8.

7.7.6 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.

7.7.7 Notice advising the broad policy shall be displayed in all pertinent areas.

## **7.8 DISPOSAL OF ASSETS**

7.8.1 When disposing of assets other than land, the official 'Disposal of Assets & Scrap Materials' form shall always be used, for control and accounting purposes.

7.8.2 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.

7.8.3 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).

- 7.8.4 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.
- 7.8.5 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:
- £1,000 or less, quotations are advisable and should be in writing,
  - more than £1000 up to £50,000, three written quotations are required.
- 7.8.6 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.
- 7.8.7 The details of the disposal shall be noted on the appropriate inventory.
- 7.8.8 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.
- 7.8.9 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 – Policy, People, Performance and Efficiency 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 or an authorised certifying officer, shall provide the Operational Director – Policy, People, Performance and Efficiency with the details of appointments, terminations of employment, and other matters necessary for payroll purposes. They shall be responsible for ensuring that all documents and electronic submissions 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,
- submitted in a timely manner,
- 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 – Policy, People, Performance and Efficiency.

### **8.2 PURCHASE ORDERS**

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 Orders must be raised and processed through the Council's approved systems, except where:
- the order is made under the terms of standard conditions i.e. JCT NEC or ICE
  - the order is made via alternative systems other than the Council's finance system
  - the order is made via E-Procurement payment methods i.e. Procurement Card, Credit Card, electronic interfaces e.g. payments to social care providers
  - the expenditure relates to payments or allowances made to individuals that relate to social care e.g. adult placements, direct payments, foster care allowances, payments to young person's leaving care, etc
  - the expenditure relates to regular periodical payments of the type approved by the Operational Director - Finance, e.g. gas, electricity, water, rent,
  - specific approval is obtained from the Operational Director – Finance.
- 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 within 24 hours of receipt of goods.

### **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. Additionally, each Operational Director shall be responsible for ensuring that all invoices relating to construction operations comply with HMRC requirements relating to the Construction Industry (Tax) Scheme (CIS).

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,
- for invoices and payment requests relating to works carried out under the Construction Industry Scheme, the claim for the cost of materials has been examined and can be substantiated by supporting records retained which are available for inspection. The authorised certifying officer is also responsible for ensuring that the part of the payment for materials supplied is not overstated. If the materials element of the invoice looks to be excessive, the authorised certifying officer should challenge the contractor and an amended invoice or payment request form should be obtained.
- 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 The Council's standard payment terms are 30 days from the receipt of an invoice. Operational Directors, and other Certifying Officers, are responsible for ensuring that undisputed accounts are processed for payment within this timescale to avoid the Council becoming liable for late payment charges and interest. The authority to negotiate accelerated invoice payment terms is restricted to the operational Director – Finance, or his/her authorised representative where applicable.

8.3.4 Payment will be made by the Operational Director – Finance in the manner considered most appropriate e.g. BACS payment or payment by government procurement card. Other cost effective methods of payment may also be considered as and when required.

8.3.5 For works carried out under the Construction Industry (Tax) Scheme (CIS), invoices and payment request forms that do not provide a clear breakdown of

labour, materials and other associated costs must be returned to the contractor for amendment and should not be passed for processing.

## **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 to the Operational Director – Finance, in the manner prescribed for that purpose. These shall be checked against supporting records and certified by the Operational Director - Finance or an authorised certifying Officer.

The Operational Director - Finance shall arrange payment in the manner considered most appropriate.

8.4.2 Officers claiming car allowance shall do so in the manner prescribed for that purpose and shall outline the reason for each journey together with sufficient detail to support the claim. Claims shall be processed on a monthly basis through the payroll system in accordance with the agreed timetable. Claims must be approved by an authorised certifying officer.

8.4.3 Officers claiming reimbursement for subsistence, travelling and other expenses shall do so in the manner prescribed for that purpose. Claims shall be supported by receipts, wherever possible, and must be approved for payment by an authorised certifying officer. VAT relating to expenditure reimbursed must be properly accounted for in each claim.

8.4.4 Officers claiming post entry training expenses shall do so in the manner prescribed for that purpose. Claims shall be:

- Approved and certified by an authorised certifying officer;
- Submitted to the Training Manager who will agree the details and sums involved and record and approve the claim;

## **8.5 PETTY CASH**

8.5.1 The Operational Director - Finance 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 - Finance.

- 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 appropriate intervals.
- 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 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 - Finance.
  - 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.

## **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.

Fees and charges are to be set in accordance with the principles set out in the Corporate Charging Policy Framework.

9.1.2 Wherever possible, income should be collected either in advance of service delivery or at the point of service delivery. This assists the cash flow of the Council, minimises the risk of non-payment and avoids unnecessary administration in regard to the recovery of debts.

9.1.3 Each Operational Director shall ensure that :

- The Operational Director, Finance is made aware of all sums due to the Council;
- Appropriate systems and controls are put in place in regard to the collection, reconciliation and banking of income;
- Invoices are raised correctly and served in a timely manner;
- All payment demands clearly state that payment is to be made to “Halton Borough Council”;
- VAT is correctly accounted for in respect of all income;
- Receipts and other approved documentation are issued for income collected;
- Income is paid promptly into the Council’s bank account in full;
- Income received on behalf of the Council is credited to the appropriate budget code;
- Income and debt levels are monitored and appropriate recovery procedures are initiated in respect of unpaid debt;
- The requirements of the Closure of Accounts Guidance Notes are complied with in regard to the notification of income due.

The Operational Director – Finance - shall determine the actions to be taken to ensure that monies due to the Council are collected effectively and that debt owed is kept to a minimum.

9.1.4 Income may only be written off as irrecoverable where:

- Specific approval is obtained from the Executive Board; or
- Approval is obtained from the operational Director, Finance, to write off income up to a value of £100,000 where a debt becomes irrecoverable due to bankruptcy, dissolution, liquidation or becomes irrecoverable by operation of law.

9.1.5 Subsidies, Grants and Agency Reimbursements may be seen as income but are treated separately under Standing Order 6.8.

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

### **10.1 GENERAL**

10.1.1 The Operational Director - Finance is responsible for the collection and control of all money due to the Council. The Operational Director – Finance shall supervise all matters relating to the collection arrangements and shall approve all systems, procedures and documentation involved.

10.1.2 All cheques etc., shall be made payable to "Halton Borough Council". Officers receiving payments 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 Head of Internal Audit 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 Council receipt;
- rung up in a till;
- ticket;
- credit card receipt.

10.2.2 Officers receiving payments, 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 Payments received through the post shall be dealt with in the manner agreed with the Head of Internal Audit.

### **10.3 SECURITY OF MONEY**

10.3.1 Officers receiving payments or 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.

10.3.2 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 be stored securely.

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

10.4.1 All cash and cheque income received on behalf of the Council shall be promptly paid over to the Operational Director - Finance 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 Head of Internal Audit.

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 - Finance. Any exceptions, and alternative arrangements, shall be agreed by the Operational Director - Finance and shall include adequate security measures.

10.4.3 Until proper discharge is obtained, the Officer receiving payment shall be solely responsible for its safekeeping.

10.4.4 Official bank stationery shall be used when preparing sums for banking. Where cheques are paid in, the amount of each cheque 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 income shall be kept in a manner agreed by the Operational Director – Finance. These records shall be available for inspection at all times and retained for a period agreed with the Head of Internal Audit.

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 - Finance. 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 Head of Internal Audit.

- 10.5.3 The use of Controlled Stationery, including safe custody, shall be in accordance with procedures agreed with the Operational Director - Finance.
- 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 – Finance or to the Council's Bankers are clearly shown. A copy shall be forwarded to the Financial Management 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.) are to be subject to a retention period relating to the financial transactions of the Council specified by the Operational Director – Finance from time to time in accordance with statutory guidelines. Other documents shall be retained for at least three years.

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

### **11.1 REPORTING ARRANGEMENTS**

11.1.1 Any Officer or Member shall immediately report to the Head of Internal Audit, either directly or through line management, any circumstances which suggest the possibility of financial irregularity, loss, tax evasion, fraud, bribery or corruption.

### **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 – Enterprise, Community and Resources, Operational Director – Finance 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.

## **PROCUREMENT STANDING ORDERS – GLOSSARY OF TERMS**

### **Agent**

A person who has authority to act on behalf of another and consents so to act

### **Aggregation Rules**

Spend per annum x the term of the contract including any extension periods (exclusive of VAT)

### **RFQ**

Request for Quotation; the method of approaching the market for a quotation on specified works, services or supplies

### **Central Purchasing Body**

A contracting authority which:

- Acquires goods or services intended for one or more contracting authorities;
- Awards public contracts intended for one or more contracting authorities; or
- Concludes framework agreements for goods, works, 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 goods, works, services or supplies, by the Council, or carrying out works for the Council

### **Contract Extension Period**

A pre-determined extension period additional to the initial contract term agreed as part of the contract award, up to a maximum of four years for a Framework

### **Electronic Procurement System (EPS)**

The process of tendering for works, services or supplies via electronic media and agreed with the Operational Director – Finance

### **Executive Board**

For the purposes of these Procurement Standing Orders means the Executive Board of the Council or Full Council

## **Framework Agreements**

A Framework Agreement is an agreement between one or more contracting authorities and one or more suppliers, 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 who may submit a tender for specific works, services or supplies

## **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

## **Mandatory Information Questions**

Used in the Open Tender Procedure to ensure that minimum standards and Gateway Questions, relevant and proportionate to the goods, works and services are met by those suppliers submitting a bid to the Council

## **Matrix**

A system under which tenders are evaluated and scored against particular criteria with agreed weightings

## **MEAT**

Most Economically Advantageous Tender

## **Partnering**

A method of procurement involving a relationship between two parties 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**

A legal document under which a reputable finance institution agrees to provide the Council with financial compensation in the event of a supplier breaching its contractual obligations or going into receivership or liquidation

**Procurement**

The process of obtaining assets or services taking into account the lifecycle of the assets or services

**Procurement Risk Assessment**

Used to identify any risks relevant and proportionate to the works, services or supplies to be tendered / sourced by the Council before an opportunity is published electronically

**Social Value**

The Public Services (Social Value) Act 2012 requires public authorities to have regard to economic, social and environmental well-being in connection with public services contracts

**Sub-contractor**

A supplier that provides work or services to a main contractor as part of the contract

**Tender**

A document prepared by a potential supplier setting out its bid for the work in response to an Invitation to Tender (ITT)

## PROCUREMENT STANDING ORDERS

<b>PART 1: STANDING ORDERS WHICH APPLY TO ALL PROCUREMENT CONTRACTS</b>
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### **1.1 BASIC PRINCIPLES**

- 1.1.1 Applicability of Procurement Standing Orders
- 1.1.2 Purpose of Procurement Standing Orders

### **1.2 LEGAL COMPLIANCE**

- 1.2.1 Applicability
- 1.2.2 Public Contracts Regulations 2015 (PCR 2015)
- 1.2.3 Principles
- 1.2.4 Public Contract Regulations 2015 (PCR 2015) Value Thresholds
- 1.2.5 Contracts Finder
- 1.2.6 Pre-Qualification Questionnaires (PQQ)
- 1.2.7 Equality Act 2010 (Section 149)
- 1.2.8 Public Services (Social Value) Act 2012

### **1.3 OFFICER RESPONSIBILITIES**

- 1.3.1 Calculation of Contract Value
- 1.3.2 Adequate Budget Provision
- 1.3.3 Procurement Risk Assessment (PRA)
- 1.3.4 Preliminary Estimate Report – Contracts exceeding £1,000,000 in value
- 1.3.5 Procurement Documentation
- 1.3.6 Council Contracts
- 1.3.7 Performance Bonds and Parent Company Guarantees
- 1.3.8 Use of Sub-Contractors
- 1.3.9 Sub-Contractors: Contract Value exceeding Public Contract Regulations (PCR 2015) Value Threshold
- 1.3.10 Works Contracts – Delay and Liquidated Damages
- 1.3.11 Breach of Procurement Standing Orders
- 1.3.12 Prevention of Bribery and Corruption

### **1.4 COLLABORATIVE ARRANGEMENTS**

- 1.4.1 Framework Agreements
- 1.4.2 Joint or Partnering Arrangements
- 1.4.3 Contracts where the Council acts as Agent

### **1.5 TENDERING PROCEDURES**

- 1.5.1 Tendering Procedure Options
- 1.5.2 Open Procedure
- 1.5.3 Restricted Procedure
- 1.5.4 Competitive Procedure with Negotiation
- 1.5.5 Competitive Dialogue Procedure
- 1.5.6 Innovation Partnership Procedure

- 1.5.7 Dynamic Purchasing System (DPS)
- 1.5.8 Voluntary Ex-Ante Transparency notice (VEAT)
- 1.6 TENDERING PROCESS**
  - 1.6.1 Electronic Procurement System (EPS)
  - 1.6.2 Invitations to Tender
  - 1.6.3 Closing Date for Receipt of Tenders
  - 1.6.4 Method of Opening Tenders
- 1.7 METHOD OF OPENING TENDERS**
  - 1.7.1 Release of Tenders
  - 1.7.2 EPS - User Roles
  - 1.7.3 Tenders release process
- 1.8 EVALUATION, MODERATION & CLARIFICATION OF TENDERS**
  - 1.8.1 Evaluation Criteria
  - 1.8.2 Evaluation Panel
  - 1.8.3 Evaluation Matrix
  - 1.8.4 Moderation
  - 1.8.5 Errors in Tenders
  - 1.8.6 Clarification
- 1.9 ACCEPTANCE AND AWARD OF CONTRACT**
  - 1.9.1 Arrangements for the acceptance of tenders
  - 1.9.2 Acceptance of tender by Operational Director
  - 1.9.3 Referral of tender acceptance decision to Executive Board
  - 1.9.4 Acceptance of tender by Executive Board
  - 1.9.5 Executive Board 'Call In' Period
  - 1.9.6 Executive Board – Non-acceptance of a tender
- 1.10 AWARD OF CONTRACT**
  - 1.10.1 Intention and Award
- 1.11 CONTRACTS**
  - 1.11.1 Contracts to be in Writing
  - 1.11.2 Mandatory Contract Clauses
  - 1.11.3 Technical Specifications
  - 1.11.4 Signed Contracts
  - 1.11.5 Common Seal of the Council
- 1.12 RECORDS**
  - 1.12.1 Contract Register
  - 1.12.2 Regulation 84 Report – Values exceeding the Public Contract Regulations (PCR 2015) Value Threshold
- 1.13 CONTRACT PAYMENTS**
  - 1.13.1 Contract payments/settlement

- 1.13.2 Instalment Payments
- 1.13.3 Authorisation of Payments
- 1.13.4 Authorisation of Variations
- 1.13.5 Works Contracts – Final Certificate control
- 1.13.6 Payments before Completion of Formal Contract

#### **1.14 WAIVER OF PROCUREMENT STANDING ORDERS**

- 1.14.1 Compliance with PCR 2015
- 1.14.2 Emergency Procedures
- 1.14.3 Non-Emergency Procedures – (not exceeding a value threshold of £100,000)
- 1.14.4 Non-Emergency Procedures – (exceeding a value threshold of £100,000)
- 1.14.5 Waiver - Supplementary

#### **1.15 PRE-DETERMINED CONTRACT EXTENSIONS**

- 1.15.1 Acceptance of pre-determined contract extension by Operational Director
- 1.15.2 Referral of pre-determined contract extension to Executive Board
- 1.15.3 Acceptance of pre-determined contract extension by Executive Board

### **PART 2: CONTRACTS EXCEEDING THE PUBLIC CONTRACT REGULATIONS (PCR 2015) VALUE THRESHOLD**

- 2.1 Application
- 2.2 Contracts for Services or Supplies
- 2.3 Contracts for Social & Other Specific Services
- 2.4 Contracts exceeding the PCR Value for Works Threshold
- 2.5 Tendering Procedures

### **PART 3 : CONTRACTS BELOW THE PUBLIC CONTRACT REGULATIONS (PCR 2015) VALUE THRESHOLD**

- 3.1 Competition Requirements
- 3.2 Value exceeding £1,000
- 3.3 Value up to £1,000
- 3.4 Aggregation of Low Value Purchases
- 3.5 Value for Money
- 3.6 Special Select Lists

## **PART 1: STANDING ORDERS WHICH APPLY TO ALL CONTRACTS**

### **1.1 BASIC PRINCIPLES**

#### **1.1.1 Applicability of Procurement Standing Orders**

These Standing Orders apply to all procurement 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 or materials by the Council;
- The supply of consultancy, agency workers and other services to the Council.

#### **1.1.2 Purpose of Procurement Standing Orders**

Procurement decisions and processes are important because they involve the use of public money. The purpose of Procurement Standing Orders is to provide a robust structure within which procurement decisions are made and implemented and to ensure that the Council:

- Undertakes legally compliant procurement;
- Ensues fairness in allocating public contracts;
- Achieves best value from its procurement activity;
- Demonstrates high standards of integrity;
- Safeguards its reputation from any implication of dishonesty or corruption;
- Uses procurement activity strategically to help deliver corporate priorities.

### **1.2 LEGAL COMPLIANCE**

#### **1.2.1 Applicability**

All tendering procedures and contracts shall comply with all legal requirements and no officer or Committee or Board of the Council may seek to avoid them.

#### **1.2.2 Public Contract Regulations 2015 (PCR 2015)**

The PCR 2015 set out procedures which must be followed before awarding a contract to suppliers of works, supplies or services, when its value exceeds set thresholds. All contracts must comply fully with the requirements of PCR 2015.

#### **1.2.3 Principles**

The award process and structure of all contracts shall comply with the Principles of Transparency, Non-Distortion of Competition, Non-Discrimination, Equal Treatment, Proportionality and Mutual Recognition.

#### **1.2.4 Public Contract Regulations 2015 (PCR 2015) Value Thresholds**

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 for works, services or supplies. Determination of contract value shall be in accordance with Procurement Standing Order 1.3.1.

Officers must consult with the Divisional Manager – Audit, Procurement and Operational Finance to check the relevant value thresholds applicable in compliance with the PCR.

#### **1.2.5 Contracts Finder – Contracts exceeding a Value Threshold £25,000**

The Council shall publish information for all contract opportunities and awards on the Cabinet Office Contracts Finder system within 24 hours of the time from which it first publishes the details electronically regardless of what other means it uses to advertise the opportunity.

#### **1.2.6 Use of Pre-Qualification Questionnaires (PQQ)**

Contracting authorities are no longer permitted to use a pre-qualification stage in below the PCR 2015 value threshold. Authorities are allowed to ask suitability assessment questions, but only where a number of conditions are met:

- (i) Must be relevant to the subject matter of the procurement;
- (ii) Must be proportionate;
- (iii) Can only be used to assess whether minimum standards are met.

As a contracting authority the Council must have regard to the Cabinet Office guidance.

#### **1.2.7 Equality Act 2010 (Section 149)**

As a public authority the Council must comply with its duties under the Equality Act 2010 taking equality and diversity into account when procuring goods, works, or services from external providers.

#### **1.2.8 Public Services (Social Value) Act 2012**

The Act places a requirement on the Council, as a commissioner of public services, to consider the economic, environmental and social benefits of its approaches to procurement.

The Act applies specifically to the pre-procurement stage of contracts for services. Officers are therefore required to give consideration to the requirements of the Act as part of the pre-procurement process. Officers shall do so by taking account of the Council's Social Value Procurement Framework and by consulting the Divisional Manager – Audit, Procurement and Operational Finance.

## **1.3 OFFICER RESPONSIBILITIES**

### **1.3.1 Calculation of Contract Value**

Calculation of the contract value for the purposes of Procurement Standing Orders shall be based on the estimate of the value of the entire contract excluding Value Added Tax. This includes the aggregate of all payments to be made, or potentially to be made, under the entirety of the contract and for the whole of the predicted contract period, including proposed extensions and options.

In the case of joint purchasing arrangements the contract value shall be the total value of all potential parties' payments under the contract.

No officer, Committee or Board of the Council may seek to divide potential contracts in order to avoid the requirements of this Standing Order or PCR 2015.

### **1.3.2 Adequate Budget Provision**

The relevant officer must ensure that there is adequate provision in the appropriate Capital Programme and/or Revenue Budget(s) before seeking to enter into a contract for the supply of works, services or supplies.

### **1.3.3 Procurement Risk Assessment (PRA)**

The relevant officer shall consult with the Divisional Manager – Audit, Procurement and Operational Finance regarding the need to complete a PRA for all procurement activity exceeding £1,000 in value.

### **1.3.4 Preliminary Estimate Report – Contracts exceeding £1,000,000 in Value**

Before starting a tendering procedure for a contract likely to exceed £1,000,000 in value the Executive Board shall receive from the appropriate officer a written report on the proposed contract, which shall include an estimate of the probable expense of executing the works, services or supplies in line with the Council's identified needs.

The written report shall specify:

- (i) Budget approval, including budget, funding and cost centre code;
- (ii) The whole life cost of the project, including the revenue costs associated with the project;
- (iii) Total contract term, including any extension periods;
- (iv) How the supplier is to be selected (in accordance with Procurement Standing Order 1.5.1);
- (v) Identification of potential project risks and controls;
- (vi) How the project links with departmental and corporate objectives.

The business case in support of the proposal including details of how value for money, transparency, propriety and accountability would be achieved and the position of the contract under the PCR 2015.

### **1.3.5 Procurement Documentation**

The relevant officer shall ensure that all contracts and contractual processes comply with the Council's procurement guidance documents, standard contract documentation and Procurement Strategy.

### **1.3.6 Council Contracts**

The relevant officer shall ascertain whether there is an existing Council contract before seeking to procure any works, services or supplies. Where such a contract exists, the officer may not enter into a separate contract except with the prior written approval of the Divisional Manager – Audit, Procurement and Operational Finance.

### **1.3.7 Performance Bonds and Parent Company Guarantees**

The relevant Operational Director shall in respect of all contracts consider the need for a performance bond and/or a parent company guarantee (if applicable) after assessing the following factors:

- (i) Potential risk in the absence of a bond;
- (ii) Known technical difficulties associated with the project;
- (iii) The period of the contract; and
- (iv) Any costs associated with provision of the bond.

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 and must be recorded by the relevant Operational Director.

### **1.3.8 Use of Sub-Contractors**

The relevant Operational Director shall ensure that the following conditions are met in respect of any sub-contractors used on Council contracts:

- (i) The names and qualifications of any appointed sub-contractors upon which the main contractor places reliance to carry out services shall be notified to and approved by the Council at the commencement of the contract.
- (ii) No change in the sub-contractor(s) appointed by the main contractor to deliver the services shall be made without receiving the prior written approval of the Council.
- (iii) All staff employed by sub-contractors must meet the Council's requirements in terms of experience and qualifications. This requirement equally applies to any staff subsequently replaced.
- (iv) No staff shall be removed or replaced by the main contractor without prior written approval from the Council

- (v) The Council shall have the right, after consultation with the main contractor, to request the removal of any person engaged in providing sub-contracted services under the contract if, in the Council's opinion, their performance or conduct is, or has been, unsatisfactory. In such instances the main contractor shall remove such person and replace them with a suitably qualified person.

### **1.3.9 Sub-Contractors: Contract Value exceeding the Public Contract Regulations (PCR 2015) Value Threshold**

The use of subcontractors for any contracts awarded by the Council must comply with Public Contract Regulations (PCR) 2015 and any Cabinet Office statutory guidance in relation to the Standard Selection Questionnaire (SQ) for the supplier selection stage of a new procurement process.

Only those sub-contractors upon which the potential supplier will place reliance to meet the selection criteria of a new procurement process must complete Part 1 and 2 of the SQ. This requirement shall be made clear in the procurement documentation.

### **1.3.10 Works Contracts – Delay and Liquidated Damages**

The relevant officer shall take appropriate action in respect of any claim for liquidated damages in the case of works contracts where completion of the contract is delayed.

### **1.3.11 Breach of Procurement Standing Orders**

Any breach or non-compliance with Procurement Standing Orders must on discovery be reported to the Divisional Manager – Audit, Procurement and Operational Finance who shall undertake any necessary investigations and report the findings to the relevant Strategic Director, Operational Director – Finance, Operational Director and Monitoring Officer (Legal and Democratic Services) and Chief Executive, as appropriate.

### **1.3.12 Prevention of Bribery and Corruption**

All officers involved in procurement activity must comply with the Employee Code of Conduct and the Council's Anti-Fraud, Bribery and Corruption Policy. Officers must not invite or accept any gift or reward in respect of the award or performance of any contract. It will be for the officer to prove that anything received was not received corruptly.

## **1.4 COLLABORATIVE ARRANGEMENTS**

### **1.4.1 Framework Agreements**

Where a framework agreement set up by a Central Purchasing Body is used the relevant Operational Director shall obtain copies of that body's contract and award notices and shall seek verification from the Divisional Manager – Audit, Procurement and Operational Finance of the body's compliance with the PCR 2015.

When awarding an individual contract under a framework agreement there is no requirement to comply with the tendering procedures contained in Procurement Standing Orders 1.5 and 3.2.

The arrangements in respect of preliminary estimate reports (Procurement Standing Order 1.3.4) and the acceptance of tenders (Procurement Standing Order 1.9) shall still apply to arrangements to enter into a contract through a framework agreement.

#### **1.4.2 Joint or Partnering Arrangements**

- (i) Joint or partnering arrangements between the Council and any other body or bodies shall be subject to the prior approval of the Operational Director and Monitoring Officer (Legal and Democratic Services).
- (ii) 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.
- (iii) 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 subject to the prior approval of the Operational Director and Monitoring Officer (Legal and Democratic Services). 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.

#### **1.4.3 Contracts where the Council acts as Agent**

Where the Council acts as the Agent for any other local authority or public body or company these Standing Orders shall apply unless the principal in question instructs otherwise in writing.

### **1.5 TENDERING PROCEDURES**

#### **1.5.1 Tendering Procedure Options**

The relevant Operational Director shall select the tendering procedure in consultation with the Divisional Manager – Audit, Procurement and Operational Finance. The tendering procedure options are set out at Procurement Standing Orders 1.5.2 to 1.5.7.

#### **1.5.2 Open Procedure**

Single stage process under which tenders are invited. All of those who submit their tender by the date specified in the notice must be considered.

#### **1.5.3 Restricted Procedure**

Under which a selection is made of those who respond to an advertisement and only they are invited to submit a tender for the contract.

#### **1.5.4 Competitive Procedure with Negotiation**

Under which a selection is made of those who respond to an advertisement and only they are invited to submit an initial tender for the contract. The contracting authority may then open negotiations with the tenderers to seek improved offers.

#### **1.5.5 Competitive Dialogue Procedure**

Under which a selection is made of those who respond to an advertisement and the contracting authority enters into dialogue with potential bidders, to develop one or more suitable solutions for its requirements and on which chosen bidders will be invited to tender.

#### **1.5.6 Innovation Partnership Procedure**

Under which a selection is made of those who respond to an advertisement and the contracting authority uses a negotiated approach to invite suppliers to submit ideas to develop innovative works, supplies or services aimed at meeting a need for which there is no suitable existing “product” on the market. The contracting authority is allowed to award partnerships to more than one supplier.

#### **1.5.7 Dynamic Purchasing System (DPS)**

The DPS may be used for commonly used purchases the characteristics of which, as generally available on the market, meet their requirements. DPS shall be operated as a completely electronic process and shall be open throughout specific validity periods of the contract term as set by the contracting authority to any supplier that satisfies the selection criteria.

Contracting authorities shall follow the rules of the restricted procedure, subject to suppliers satisfying the selection criteria and the number of suppliers accepted onto the DPS shall not be limited.

#### **1.5.8 Voluntary Ex-Ante Transparency notice (VEAT)**

A VEAT notice is a means of advertising the intention to let a contract without opening it up to formal competition. A contracting authority may decide that a contract does not require prior publication through a contract notice in the Cabinet Office, Find a Tender System (FTS). A reason for this decision may be that the contract meets the exceptional conditions described in Article 31 of Directive 2004/18/EC.

If a contracting authority decides to take this route, it must provide sufficient information as to the justification for direct award and must also observe the minimum standstill period.

### **1.6 TENDERING PROCESS**

#### **1.6.1 Electronic Procurement System (EPS)**

All tendering shall be undertaken using the Council’s EPS approved by the Operational Director - Finance. All Invitations to Tender (ITT) and Request for Quotations (RFQ) will be issued and received electronically. Tenders submitted by any other means shall not be considered.

### **1.6.2 Invitations to Tender**

All Invitations to Tender shall include the following:

- (i) A requirement for tenderers to complete fully and sign or otherwise authorise the Form of Tender, which relates to canvassing and non-collusion before submission.
- (ii) A specification of the works, services or supplies that are required providing sufficient detail to enable the submission of competitive offers, together with the terms and conditions of the contract that will apply.
- (iii) A description of the evaluation and award procedure and details of the award criteria in objective terms and in descending order of importance.
- (iv) A statement that the Council reserves the right:
  - (a) Not to accept the lowest, or any, tender
  - (b) To accept the whole or defined lots of the tender without accepting the remainder

### **1.6.3 Closing Date for Receipt of Tenders**

Submissions received after the specified closing date and time will not be considered.

## **1.7 METHOD OF OPENING TENDERS**

### **1.7.1 Release of Tenders**

All electronic tender submissions will be held securely within the Council's EPS. The tenders will only be released once the online seal has been removed as a result of the published closing date and time lapsing.

### **1.7.2 EPS - User Roles**

The Divisional Manager – Audit, Procurement and Operational Finance will control access and user roles in regard to the Council's EPS.

### **1.7.3 Tender release process**

Tenders shall be opened at one time by an officer nominated by the Divisional Manager – Audit, Procurement and Operational Finance.

## **1.8 EVALUATION, MODERATION & CLARIFICATION OF TENDERS**

### **1.8.1 Evaluation Criteria**

- (i) Tenders shall be evaluated and awarded on the basis of the value for money they offer to the Council in line with the Most Economically Advantageous Tender (MEAT) principles, best price-quality ratio, lowest price/cost or quality, as determined and documented in advance of tenders being invited.
- (ii) Consideration is to be given to the Public Services Social Value Act 2012 when relevant and proportionate.
- (iii) Tenders shall be evaluated and awarded in accordance with criteria determined and documented in a matrix and must not be changed at any time during the process.

### **1.8.2 Evaluation Panel**

- (i) Evaluation panels should be identified prior to the issue of the Invitation to Tender documents, to ensure that they are engaged with the process and understand the evaluation criteria.
- (ii) For all contracts above the PCR 2015 Value Threshold evaluation panels shall consist of a minimum of two Council officers, which should include representation from the client department and/or key stakeholders.
- (iii) Evaluation panels should be informed of the Operational Director (or nominated officer) to whom they will be making an award recommendation.

### **1.8.3 Evaluation Matrix**

- (i) The evaluation matrix will consist of criteria defined, i.e. price and/or quality marks and scores to reflect what is relevant and proportionate to the award of a contract.
- (ii) Criteria shall have a number of marks allocated to signify to tenderers the relative importance of each criterion.
- (iii) All bids must be scored consistently against a scoring model, details of which must be included in the Invitation to Tender.
- (iv) All scores and notes made by the evaluation panel must be recorded in writing and used for reference in the event that further moderation is required.

#### **1.8.4 Moderation**

- (i) The evaluation panel will discuss their individual scores with a view to reaching agreement on a moderated score and justifying comments, in consultation with the Divisional Manager – Audit, Procurement and Operational Finance.
- (ii) In the event that the evaluation scores are inconsistent, to determine the award of a contract, the relevant Operational Director and the Divisional Manager – Audit, Procurement and Operational Finance shall agree and maintain a moderation matrix.
- (iii) All notes may be the subject of information requests or legal challenge against the award of a contract. The Divisional Manager – Audit, Procurement and Operational Finance shall therefore maintain accurate notes throughout the moderation process.

#### **1.8.5 Errors in Tenders**

- (i) 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) Other Contracts – the tenderer should be given the opportunity of confirming their offer or amending it to correct genuine and obvious errors.
- (ii) Should a supplier elect to amend their offer and the revised tender submission is no longer the highest ranked score, the offer by the (previously) second highest ranked bidder should be examined on the basis of the same rules.
- (iii) Where the tenderer elects to withdraw the tender under either (a), (b) or (c) above, the next highest ranked tender shall be considered and the same rules shall be applied in considering that tender.
- (iv) The above action by the relevant Operational Director in consultation with the Divisional Manager – Audit, Procurement and Operational Finance shall take place before the date of entry into a contract.

#### **1.8.6 Clarification**

- (i) Clarification by the client department can only be requested and responded to via the Council's EPS.

- (ii) Evaluation scores can only be amended where specific clarification has been requested relating to the award criteria.
- (iii) All clarification questions and returns must be recorded and any amended scores updated by the Divisional Manager – Audit, Procurement and Operational Finance in the evaluation matrix.

## **1.9 ACCEPTANCE OF TENDERS**

### **1.9.1 Arrangements for the acceptance of tenders**

The arrangements for the acceptance of tenders are determined by the value of the tender proposed to be accepted as set out in Procurement Standing Orders 1.9.2 to 1.9.6.

### **1.9.2 Acceptance of tender by Operational Director**

The relevant Operational Director or delegated officer may accept a tender in the following circumstances:

- (i) A minimum of five tenders have been invited if a Restricted Procedure has been followed;  
Or  
A direct award (above PCR 2015) is to be made which is supported by use of a VEAT notice.
- (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 highest ranked bidder.

### **1.9.3 Referral of tender acceptance decision to Executive Board**

The relevant Operational Director may use their discretion not to accept a tender and refer the decision to the Executive Board. In such instances the procedures described at Standing Order 1.9.4 will apply.

### **1.9.4 Acceptance of tender by Executive Board**

The Executive Board may accept a tender in the following circumstances:

- (i) A report has been presented to the Executive Board containing the following information:
  - (a) The names of the various tenderers;
  - (b) The amount of the tender figures;
  - (c) The amount of the corrected tender figure (if any);
  - (d) The final ranking of the tenders received.
- (ii) The reasons for the proposed acceptance are in line with the published award criteria and evaluation score.

Or

A direct award (above PCR 2015) is to be made which is supported by use of a VEAT notice.

Executive Board shall determine whether or not to accept a tender in all cases where the tender value is in excess of £5,000,000.

**1.9.5 Executive Board ‘Call In’ Period**

Where the Executive Board accepts a tender the ‘Call In’ period must be in accordance with Standing Orders 1.10.1(ii) (b).

**1.9.6 Executive Board – Non-acceptance of a tender**

Where the Executive Board decides not to accept a tender recommended for acceptance, the reasons for the rejection must be detailed in the relevant minute including:

- (i) Name of the tender and tenderer(s) being rejected;
- (ii) Reasons for the decision in line with the award criteria.

**1.10 AWARD OF CONTRACT**

**1.10.1 Intention and Award**

In respect of contracts having a value of at least the threshold in compliance with the PCR 2015:

- (i) The Operational Director shall ensure full compliance with all legal requirements in relation to debrief of tenderers, in consultation with the Divisional Manager – Audit, Procurement and Operational Finance.
- (ii) The Council must notify both successful and unsuccessful tenderers of its intention to award and then of the actual award decision in writing as soon as possible after the decision to award the contract has been agreed, subject to any formal legal challenge or ‘call-in’ during either:
  - (a) The 10 day standstill period in compliance with the PCR 2015 – ends midnight on the tenth day after the relevant sending date.
  - Or
  - (b) Executive Board Members ‘call-in’ period - Five days from date of publication of the relevant minute.

**1.11 CONTRACTS**

**1.11.1 Contracts to be in Writing**

Every contract shall be in writing and shall be the subject of a formal document prepared or approved by the Operational Director and Monitoring Officer (Legal and Democratic Services) which shall specify:

- (i) The work, services, materials, matters, or things to be furnished, had or done;
- (ii) The price to be paid, with a statement of discount or other deductions;
- (iii) The time or times within which the contract is to be performed, including any extension clauses.

### **1.11.2 Mandatory Contract Clauses**

Every contract shall contain the following requirements:

- (i) **Health and Safety at Work Act 1974**  
That the supplier observes and performs any of the Regulations or Codes of Practice made under the authority of the Act and any lawful requirements of the Health and Safety Executive (HSE) in relation to the work to be carried out under the contract.
- (ii) **Insurance**  
That the supplier shall be required to verify that it meets the Council's minimum requirements in regard to the type and level of insurance considered appropriate for each contract (e.g. employer liability, public liability, product liability, professional indemnity, etc.).
- (iii) **Forfeiture in case of Bribery or Corruption**  
That the Council may terminate the contract and recover any loss suffered if the supplier, its employees or anyone acting on the supplier's behalf:
  - Offers, gives or agrees to give to anyone any inducement or reward in respect of this or any other Council contract (regardless of the supplier's knowledge); or
  - Commits an offence under the Bribery Act 2010 or Section 117(2) of the Local Government Act 1972; or
  - Commits any fraud in connection with this or any other Council contract, whether alone or in conjunction with Council members, suppliers or employees.

Any clause limiting the supplier's liability shall not apply to this clause.

- (iv) **Modern Slavery Act 2015**  
That the supplier undertakes, warrants and represents that:
  - (a) Neither the supplier nor any of its officers, employees, agents or sub-contractors has:
    - committed an offence under the Modern Slavery Act 2015 (a "MSA offence"); or

- been notified that it is subject to an investigation relating to an alleged MSA offence or prosecution under the Modern Slavery Act 2015; or
- is aware if any circumstances within its supply chain that could give rise to an investigation relating to an alleged MSA offence or prosecution under the Modern Slavery Act 2015;

(b) It shall comply with the Modern Slavery Act 2015 and the Modern Slavery Policy.

### **1.11.3 Technical Specifications**

Where an appropriate legal requirement or mandate to use either an EU Standard or Code of Practice exists, every contract shall state the characteristics required of, all goods and materials used or supplied and all workmanship shall be in accordance with that Standard or Code of Practice or equivalent.

### **1.11.4 Signed Contracts**

Contracts with a value not exceeding £1M shall be signed in accordance with Finance Standing Order 3.4.1. Contracts with a value exceeding £1M shall be signed in accordance with the requirements of Article 15.04 of the Council's Constitution.

### **1.11.5 Common Seal of the Council**

The Common Seal will be affixed to those documents which in the opinion of the Operational Director (Legal and Democratic Services) should be sealed in accordance with the requirements of Article 15.05 of the Council's Constitution.

## **1.12 RECORDS**

### **1.12.1 Contract Register**

All tender opportunities published on the Council's approved Electronic Procurement System (EPS) will have the contract award details automatically promoted to the online contract register in compliance with the Local Government Transparency Code 2014.

Contracts / Frameworks awarded and / or accessed outside of the Council's approved EPS must be manually updated on the EPS by an officer nominated by the Divisional Manager – Audit, Procurement and Operational Finance.

### **1.12.2 Regulation 84 Report – Values exceeding the Public Contract Regulations (PCR 2015) Value Threshold**

In compliance with the PCR 2015 the Contracting Authority is required to produce a written report in relation to each contract and framework agreement awarded and every dynamic purchasing system established for values above PCR 2015 value threshold.

The report template is to be completed by an officer nominated by the Divisional Manager – Audit, Procurement and Operational Finance.

## **1.13 CONTRACT PAYMENTS**

### **1.13.1 Contract payments/settlement**

Contract payments/settlements shall be made in accordance with procedures referred to in the Standing Orders relating to Finance. The Council's standard payment terms are 30 days from receipt of invoice.

### **1.13.2 Instalment Payments**

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.

### **1.13.3 Authorisation of Payments**

Payment to suppliers shall be authorised by an authorised certifying officer, in accordance with Finance Standing Order 3.4.1.

### **1.13.4 Authorisation of Variations**

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

### **1.13.5 Works Contracts – Final Certificate control**

In the case of works contracts a final certificate shall not be issued until the relevant Operational Director has, to the extent that it is felt necessary, examined all matters relating to the final account.

### **1.13.6 Payments before Completion of Formal Contract**

For contracts with a value above PCR 2015, no payment shall be made by the Council to the supplier until the formal agreement has been duly signed by all parties unless specifically authorised by the Operational Director - Finance.

## **1.14 WAIVER OF PROCUREMENT STANDING ORDERS**

### **1.14.1 Compliance with PCR 2015**

All waiver requests and approvals shall comply with the PCR 2015 and no officer, Committee or Board of the Council may seek to avoid them.

### **1.14.2 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 to the extent necessary to give effect to such action. Every use of this Standing Order shall be reported in writing to the next available meeting of the Executive Board.

### **1.14.3 Non-Emergency Procedures - (not exceeding a value threshold of £100,000)**

The requirements of Procurement Standing Orders may be waived by the Divisional Manager - Audit, Procurement and Operational Finance to the extent necessary. Every waiver approval under this Standing Order shall be documented.

### **1.14.4 Non-Emergency Procedures - (exceeding a value threshold of £100,000)**

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

- (i) Where compliance with Standing Orders is not possible; or
- (ii) Where compliance with Standing Orders is not practicable for reasons of urgency which could not reasonably have been anticipated; or
- (iii) Where compliance with Standing Orders would result in a clear financial or commercial detriment to the Council; or
- (iv) Where compliance with Standing Orders would result in the Council having to forego a clear financial or commercial benefit; or
- (v) Where compliance with Standing Orders is not practicable because the Council's requirements can only be delivered by a particular supplier; or
- (vi) Where compliance with Standing Orders would be inconsistent with joint and partnership working or special external funding arrangements.

### **1.14.5 Waiver - Supplementary**

- (i) In any report seeking waiver of Standing Orders the duly authorised officer shall state:
  - (a) The particular Standing Orders to be waived;
  - (b) The period during which the waiver shall be effective and value for this period;
  - (c) Budget Approval – include Budget, Funding and Cost Centre Code;
  - (d) A business case in support of the waiver which must include details of how the following would be achieved despite the waiver:
    - Value for Money;
    - Transparency, propriety and accountability;
    - Position of the contract under the PCR 2015;
    - How the supplier was selected;
    - Identification of potential project risks and controls;

- How the project links with departmental and corporate objectives;
  - Whole life costs of the project including the revenue costs associated with the project.
- (ii) In cases where formal tendering requirements are waived the relevant officer shall seek advice and guidance from the Divisional Manager – Audit, Procurement and Operational Finance before submission to Executive Board. This shall be done by using the ‘I Want Procurement’ portal.
- (iii) The waiver of Standing Orders and the reason(s) for waiver shall be clearly recorded in the minutes of the Executive Board.
- (iv) Where certain Standing Orders are waived the relevant officer shall comply with the remaining Standing Orders.
- (v) In cases where the waiver request is to seek approval to use an alternative supplier to the one contracted by an existing Council contract, this must be in accordance with Procurement Standing Order 1.3.6.

## **1.15 PRE-DETERMINED CONTRACT EXTENSIONS**

### **1.15.1 Acceptance of pre-determined contract extension by Operational Director**

The appropriate Operational Director or delegated officer may take such action to approve a pre-determined extension period provided that all of the following conditions apply:

- (i) The value of the pre-determined contract extension does not exceed £5,000,000;
- (ii) Consideration has been given to the relevant commercial and quality elements associated with the contract;
- (iii) Appropriate consultation regarding the matter has taken place with the Divisional Manager – Audit, Procurement and Operational Finance. This shall be done by using the ‘I Want Procurement’ portal.

### **1.15.2 Referral of pre-determined contract extension to Executive Board**

The relevant Operational Director may use their discretion not to approve a contract extension and refer the decision to the Executive Board.

### **1.15.3 Acceptance of pre-determined contract extension by Executive Board**

The Executive Board may take such action to approve a pre-determined extension period provided that the following conditions apply:

- (i) A report has been presented to the Executive Board considering the commercial and quality elements associated with the contract and the anticipated benefits and/or risks associated with acceptance of the extension option.
- (ii) Appropriate consultation regarding the matter has taken place with the Divisional Manager – Audit, Procurement and Operational Finance.

Executive Board shall determine whether or not to accept a contract extension in all cases where the value exceeds £5,000,000.

<b>PART 2: STANDING ORDERS FOR CONTRACTS EXCEEDING THE PUBLIC CONTRACT REGULATIONS 2015 (PCR 2015) VALUE THRESHOLD</b>
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**2.1 Application**

Part 2 of these Standing Orders shall apply to all contracts above PCR 2015 Works, Services or Supplies Value Threshold.

**2.2 Contracts for Services or Suppliers**

Officers must comply with the PCR 2015 and Part 1 of Procurement Standing Orders.

**2.3 Contracts for Social & Other Specific Services**

Officers must comply with the PCR 2015 – Schedule 3 for those services listed to qualify for the Light Touch Regime.

**2.4 Contracts exceeding the PCR 2015 value for Works Threshold:**

Officers must comply with the PCR 2015 and Part 1 of Procurement Standing Orders.

**2.5 Tendering Procedures**

Tendering procedures shall comply with the PCR 2015. The relevant Operational Director shall select the tendering procedure in consultation with the Divisional Manager – Audit, Procurement and Operational Finance in accordance with Procurement Standing Order 1.5.1.

<b>PART 3: STANDING ORDERS FOR CONTRACTS BELOW THE PUBLIC CONTRACT REGULATIONS 2015 (PCR 2015) VALUE THRESHOLD</b>
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**3.1 Competition Requirements**

For all contract opportunities with a value below the PCR 2015 threshold, Request for Quotations (RFQ) will be invited as outlined below in compliance with PCR 2015.

### **3.2 Value exceeding £1,000**

- (i) A Procurement Risk Assessment will be carried out with an officer nominated by the Divisional Manager – Audit, Procurement and Operational Finance prior to electronic publication.
- (ii) An electronic invitation will be published to open competition via the Council's EPS.
- (iii) Electronic award notification will be issued by an officer nominated by the Divisional Manager – Audit, Procurement and Operational Finance via the Council's EPS.

### **3.3 Value up to £1,000**

Three written quotations are advisable.

### **3.4 Aggregation of Low Value Purchases**

For goods, works and services with a value less than a £1,000, consideration must be given to the aggregated value over a minimum 12 month period. Officers must determine the actual value of expenditure in line with regular recurring purchases of the same nature. Any aggregated value that exceeds £1,000 must comply with Procurement Standing Order 3.2.

### **3.5 Value for Money**

Where the actual contract price to be accepted by the relevant Operational Director is other than the highest ranked bidder the decision shall be agreed in consultation with the Divisional Manager – Audit, Procurement and Operational Finance.

## Compliant Procurement Routes

The following tables illustrate the compliant procurement routes in regard to:

- Procurement procedures
- Waivers
- Pre-determined extension of contracts
- Collaborative arrangements

### Procurement procedures

<b>Value of expenditure</b>	<b>Procedure</b>	<b>Standing Order</b>
Up to £1,000	Three written quotes are advisable	3.3
£1,000 up to PCR 2015	Request for quotes via the Council's Electronic Procurement System	3.2
Exceeding PCR 2015	Formal tender in compliance with PCR 2015 via Electronic Procurement System	2.1
Exceeding £1,000,000	Preliminary estimates report to Executive Board	1.3.4
Up to £5,000,000	Tender acceptance by Operational Director	1.9.2
Exceeding £5,000,000	Tender acceptance by Executive Board Executive Board members' 'Call-In' period – Five day standstill from publication date of minutes	1.9.4

### Waivers

<b>Circumstances of waiver request</b>	<b>Approval</b>	<b>Standing Order</b>
Emergency	Chief Executive	1.14.2
Non-emergency exceeding £100,000	Executive Board	1.14.4
Non-emergency up to £100,000	Divisional Manager – Audit, Procurement and Operational Finance	1.14.3

Use of alternative supplier where a corporate contract is in existence	Divisional Manager – Audit, Procurement and Operational Finance	1.3.6
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### **Pre-Determined Contract Extensions**

<b>Value of expenditure</b>	<b>Procedure</b>	<b>Standing Order</b>
Exceeding £5,000,000	Report to Executive Board seeking approval to take up extension option	1.15.3
Up to £5,000,000	Approval by the appropriate Operational Director in consultation with the Divisional Manager – Audit, Procurement and Operational Finance	1.15.1

### **Collaborative Arrangements**

<b>Type of arrangement</b>	<b>Procedure</b>	<b>Standing Order</b>
Framework	The appropriate Operational Director to obtain evidence of compliance with PCR 2015 and to seek verification from the Divisional Manager – Audit, Procurement and Operational Finance	1.4.1
Joint or partnering arrangements	Requires prior approval of the appropriate Operational Director and the Monitoring Officer (Legal and Democratic Services)	1.4.2

### **Expenditure – Finance Standing Orders (FSO)**

The following table summarises the Council’s delegated authorities to certify accounts, invoices, orders and expenditure vouchers:

<b>Limit (£)</b>	<b>Officer</b>	<b>Standing Order</b>
Over £1,000,000	Chief Executive / Strategic Director	FSO 3.4
£1,000,000	Operational Director	
£100,000	Divisional Managers and other specified post holders	
£10,000	Other specified managers	
£1,000	Other nominated officers	

## **STANDING ORDERS RELATING TO THE SALE OF ASSETS INCLUDING LAND**

### **1.1 Disposal of Land**

This Standing Order shall apply to any disposal of land or of any interest in land where:

- 1.1.1 Subsequent to presentation at the Asset Management Working Group, a decision of the Executive Board or Officer exercising delegated powers on behalf of the Council so requires; or
- 1.1.2 A rule of law obliges the Council to dispose of land at the best price reasonably obtainable

The method of disposal by sale on the open market shall be as determined by the Operational Director - Employment, Enterprise and Property. Any disposal that may be recommended for sale by negotiated agreement without open market testing shall be supported by a report by the District Valuer or other reputable Independent Valuer.

### **1.2 Disposal of Assets (not land or interest in land) – value not exceeding £50,000**

Sale of assets (**not land or interest in land**) for less than £50,000 in value shall be dealt with in accordance with the Standing Orders relating to Finance.

### **1.3 Preliminary Estimates of the Price receivable by the Council**

- 1.3.1 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 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.
- 1.3.2 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.

### **1.4 Requirement of Public Advertisement**

- 1.4.1 Where the consideration for the disposal of any assets has been estimated at a figure exceeding £100,000 and less than the EU 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, in accordance with Procurement Standing Orders which apply to all contracts - paragraph 3.2
- 1.4.2 Such notice shall be placed electronically and 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.

**1.4.3** 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.

**1.4.4** Notice shall not be required if:

(i) There would be no genuine competition (for whatever reason);

(ii) 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;

(i) Sales are to be by Auction.

## **1.5 Method of Tendering and Interim Custody of Tenders**

The method and procedure to be followed is in accordance with Procurement Standing Orders which apply to all contracts – both paragraphs 1.6.2 (Invitations to Tender) and 3.2 (Value exceeding £1000)

## **1.6 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 in accordance with Procurement Standing Orders which apply to all contracts - paragraph 1.6.3

## **1.7 Forfeiture in cases of bribery**

Shall be in accordance with Procurement Standing Orders which apply to all contracts paragraph 1.11.2 (iii)

## **1.8 Method of Opening Tenders**

Tenders shall be opened in accordance with Procurement Standing Orders which apply to all contracts - paragraph 1.7

## **1.9 Method of Acceptance of Tenders**

The method of acceptance of tenders shall be in accordance with Procurement Standing Orders which apply to all contracts - paragraphs 1.9.1 except that the words 'highest tender' shall be substituted for the words 'lowest tender'.

## **1.10 Acceptance of Tenders other than the highest**

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

**1.10.1** to accept a tender other than the highest

**1.10.2** to decline to accept any tender

## **1.11 Errors in Tenders**

If before the date of entry into a contract it is discovered that an error has been made in the tender:-

**1.11.1** 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.

**1.11.2** 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 a Tenderer elect to amend its 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.

Clarification is to be requested and returned electronically.

Where the tenderer elects to withdraw the tender under either paragraph 1.11.1 or 1.11.2 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.

## **1.12 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 Procurement Standing Orders which apply to all contracts - paragraph 1.11.1.

## **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 Economy, Enterprise and Property Department (EEP).
- (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 Operational Director - EEP, who will then consult with the Strategic Director – Enterprise, Community and Resources and the Resources 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) The EEP Department 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) The EEP Department will then produce an outline programme for the works and tender process.

**STANDING ORDERS  
RELATING TO INFORMATION and COMMUNICATIONS TECHNOLOGY**

**INDEX**

**PURPOSES**

**RESPONSIBILITIES**

**Operational Director – I CT & Support Services  
All Operational Directors  
All Individuals (Members and staff)**

**ACQUISITION POLICY**

**ACCEPTABLE USE**

**Passwords  
E-mail and Internet  
Data and Back-up**

**SECURITY**

**Disaster Recovery  
Unauthorised Software  
Intellectual Property  
Monitoring  
Computer Viruses  
Security of Council Property  
System Security**

## **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 – ICT and Support 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.

- advise on the acquisition and usage of ICT within the Council.
- advise 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.

**2.2 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.
-

### 2.3 **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.
- Be aware that deleted emails remain accessible to management through the Journal.

## 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 and Support 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 and Support 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 and Support 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 Standing Orders 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 and Support 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.
- 4.33 Employees shall comply with the security rules of the Government Secure Intranet (GSI) Code of Connection relating to secure email and IT systems usage as set out in the Personal Commitment Statement published on the Halton Borough Council Intranet.

### **Data and Back up**

- 4.34 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.
- 4.35 Individuals and managers shall ensure that back up copy data is stored separately and ideally in a different building.
- 4.36 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.
- 4.37 Individuals shall keep their data accurate and timely.
- 4.38 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 and Support 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 and that deleted emails remain on the system and can be inspected by authorised Officers.

## **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.

## **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 and Support 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 and Support Services, divulge technical details of the Council’s systems and infrastructure.
- 5.20 Staff shall make themselves aware of and shall comply with the disclaimers automatically attached to all Internet e-mails.

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**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;

"the 2001 Regulations" means the Local Authorities (Standing Orders) Regulations 2001;

"the Chief Finance Officer" has the same meaning as set out in Regulation 2 of the 2001 Regulations;

"disciplinary action" has the same meaning as in the 2001 Regulations;

"Independent Person" means a person appointed under Section 28 (7) of the Localism Act 2011 by the Authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the Authority considers appropriate;

"Independent Persons Panel" means a committee appointed by the Authority under Section 102 (4) of the Local Government Act 1972 for the purposes of advising the Authority on matters relating to the dismissal of relevant officers of the Authority in accordance with Schedule 3 to the 2001 Regulations, including or comprising at least two Independent Persons who have accepted an invitation to be considered for appointment to the Panel and who have been appointed to it in accordance with the following priority order:-

- (a) An independent person who has been appointed by the Authority and who is a local government elector in the Authority's area;
- (b) Any other independent person who has been appointed by the Authority;
- (c) An independent person who has been appointed by another local authority or authorities;

"member of staff" means a person appointed to or holding a paid office or employment under the authority;

"Monitoring Officer" has the same meaning as set out in Regulation 2 of the 2001 Regulations; 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 3,4,7 and 8, 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, Sub-Committee or Officer is discharging, on behalf of the Authority, the function of the dismissal of the Chief Finance Officer or the Monitoring Officer, the Authority must approve that dismissal before notice of dismissal is given to that officer.

(3) 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 and in paragraph 7, "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. (1) This paragraph applies if the dismissor proposes disciplinary action involving the dismissal of the Head of the Paid Service, Chief Finance Officer or Monitoring Officer.

The Appointments Committee has the power to suspend the Head of Paid Service, if suspension is deemed necessary to enable a full and fair investigation to be undertaken.

(2) Where this paragraph applies, the Staffing Committee will supply the Independent Persons Panel with the matters provided to members of the Executive under paragraph 6 and any other particulars relevant to the dismissal that the dismissor considers appropriate or that the Panel may reasonably require.

(3) The Independent Persons Panel will meet to consider what, if any, advice, views or recommendations to give to the Authority in deciding whether or not to approve the dismissal.

(4) The Authority will not meet to consider whether or not to approve the proposal of the Staffing Committee to dismiss the officer until a period of at least 20 days has elapsed from the appointment of the Independent Persons Panel.

(5) Before the Authority takes a vote at a meeting on whether or not to approve such a dismissal, they must take into account, in particular:-

(a) any advice, views or recommendations of the Independent Persons Panel;

- (b) the conclusions of any investigations into the proposed dismissal; and
  - (c) any representations from the officer.
- 8. 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.

## **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 Resources 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, and the Operational Director (Legal and Democratic Services)**

(a) The Council's Appointments Committee will appoint all Strategic Directors and Operational Directors, and the Operational Director (Legal and Democratic Services)

(b) The appointment of Strategic Directors, Operational Directors, and the Operational Director (Legal and Democratic Services) 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) 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.

(b) Disciplinary action against the Head of Paid Service and Strategic Directors shall be the responsibility of the Council's Appointments Committee.

(c) 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, Strategic Directors and Operational Directors may only be taken by the Appointments Committee.

(c) The decision to dismiss the Head of Paid Service, the Chief Finance Officer or Monitoring Officer is subject to approval by full Council.

(d) A decision to dismiss an Officer from their employment with the Council may only be taken in compliance with the requirements of the Council's Standing Orders relating to Staff.

**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, Operational Directors and the Operational Director (Legal and Democratic Services).

(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

#### LOCAL CODE OF CORPORATE GOVERNANCE

##### 1. Introduction

Governance is about how an organisation such as a local authority ensures that it is doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest and accountable manner. It is made up of the systems, processes, cultures and values, by which the organisation is directed and controlled and through which it accounts to, engages with and, in the case of a local authority, leads the community.

Good governance leads to good management, good performance and good stewardship of public money. It therefore enables the Council to effectively implement its vision in accordance with its values and to engage effectively with its citizens and service users and ensure good outcomes for them.

Halton Borough Council is committed to meeting best practice standards for good governance. This Code provides a public statement that sets out the way in which the Council will meet and demonstrate that commitment.

##### 2. Principles of Corporate Governance

2.1 The Council operates through a governance framework which brings together and reflects legal requirements, governance principles and good management processes.

2.2 The Council's Code of Corporate Governance is aligned to the best practice guidance 'Delivering Good Governance in Local Government: Framework 2016' and is based on the following core principles:

- Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law;
- Ensuring openness and comprehensive stakeholder engagement;
- Defining outcomes in terms of sustainable economic, social and environmental benefits;
- Determining the interventions necessary to optimise the achievement of the intended outcomes;
- Developing the Council's capacity, including capability of its leadership and the individuals within it;
- Managing risks and performance through robust internal control and strong public financial management;
- Implementing good practices in transparency, reporting, and audit to deliver effective accountability.

2.3 Supporting each of the core principles is a series of sub-principles. Examples of how the Council has translated these principles into its governance framework are provided in the appendix to this Code.

### **3. Monitoring and Review**

3.1 The Council has two Committees that are jointly responsible for monitoring and reviewing the Council's corporate governance arrangements:

(1) The Audit and Governance Board acts as the Council's Audit Committee. One of its powers and duties is to consider the Council's arrangements for corporate governance and agree necessary actions to ensure compliance with best practice.

(2) The Audit and Governance Committee is responsible for promoting and maintaining high standards of conduct by the Members and Co-opted Members of the authority.

3.2 The Corporate Governance Group is responsible for monitoring and providing assurance on the Council's governance processes and for reporting to the Audit and Governance Board appropriate. Its membership comprises:

- The Strategic Director – Enterprise, Community and Resources
- The Operational Director – Legal and Democratic Services
- The Operational Director – Finance (s 151 Officer)
- The Divisional Manager – Audit, Procurement and Operational Finance

3.3 Assurance that the Council's corporate governance framework is operating as intended comes from a range of sources that include:

- Self-assessment against regulatory frameworks;
- External inspections;
- External Audit;
- Internal Audit;
- Audit and Governance Committee;
- Policy and Performance Boards;
- Performance management framework;
- Risk management framework;
- Budgetary control and financial management processes.

### **4. Annual Governance Statement**

4.1 Each year the Council reviews its corporate governance arrangements and publishes an Annual Governance Statement. This public document describes the arrangements that have been in place during the year and highlights any areas where improvement is required.

4.2 The Annual Governance Statement is published as part of the Council's Statement of Accounts and is reviewed by the Council's external auditor.

**How Halton Borough Council applies the Principles of Good Governance**

**Core Principle 1: Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law**

**Rationale:** Local government organisations are accountable not only for how much they spend, but also for how they use the resources under their stewardship. This includes accountability for outputs, both positive and negative, and for the outcomes they have achieved. In addition, they have an overarching responsibility to serve the public interest in adhering to the requirements of legislation and government policies. It is essential that, as a whole, they can demonstrate the appropriateness of all their actions across all activities and have mechanisms in place to encourage and enforce adherence to ethical values and to respect the rule of law.

Sub-Principle	Examples of how the Council achieves good governance in practice
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<p>1.1: Behaving with integrity</p>	<ul style="list-style-type: none"> <li>• The Council has a Constitution that sets out how the Council operates, how decisions are made and the procedures that are followed to ensure that these are efficient, proportionate, transparent and accountable.</li> <li>• Elected members follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Monitoring Officer provides training to new elected members on the Code of Conduct.</li> <li>• The Council has an Audit and Governance Board with co-opted independent members. Part of the role of the Audit and Governance Board Committee is to promote high standards of member conduct. The Members' Code of Conduct and associated complaints form are published on the Council website.</li> <li>• Arrangements exist to ensure that members and officers are not influenced by prejudice, bias or conflicts of interest in dealing with different stakeholders. These include:               <ul style="list-style-type: none"> <li>○ Registers of disclosable pecuniary interests;</li> <li>○ Registers of gifts and hospitality;</li> <li>○ Opportunities to declare disclosable pecuniary interests and disclosable other interests are provided at the start of meetings. Meeting minutes evidence that declarations are sought and those declarations made.</li> </ul> </li> <li>• Officer behavior is governed by the Employees' Code of Conduct. All new employees attending the corporate induction process are made aware of the Code. This includes confidentiality and fraud prevention.</li> </ul>
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Sub-Principle	Examples of how the Council achieves good governance in practice
	<ul style="list-style-type: none"> <li>• A Member / officer relations protocol provides guidance on how the working relationships between Members and officers should be conducted.</li> <li>• The Council operates a whistleblowing procedure and has well-publicised arrangements for employees and the wider community to raise any concerns and report any wrongdoing.</li> <li>• The Council has in place a two-stage corporate complaints procedure to deal with complaints concerning service delivery and officer behaviour which is supported by statutory procedures for Adult and Children's Social Care. Details of all procedures and associated documentation are published on the Council website.</li> <li>• The Council takes fraud, corruption and maladministration seriously and has established a suite of policies and processes which aim to prevent or deal with such occurrences.</li> <li>• There are regular bulletins for Members and Officers, which include updates to policy and procedures.</li> </ul>
1.2: Demonstrating strong commitment to ethical values	<ul style="list-style-type: none"> <li>• The Member Code of Conduct is based on the following core principles of public life - selflessness, integrity, objectivity, accountability, openness, honesty and leadership.</li> <li>• The promotion of high standards of conduct is one of the key areas of responsibility for the Audit and Governance Board.</li> <li>• Roles and responsibilities relating to the Council's executive and non-executive functions are defined in the Council's Constitution. The decision-making process provides clear accountability.</li> <li>• The Council's contract tender documentation outlines the expectation that suppliers (in relation to their employees and others working under their direction or under contract) will comply with the Council's Whistleblowing (Confidential Reporting) Policy as if they were the Council.</li> <li>• The Council has developed and maintains shared values, including leadership values, for both the organisation and employees that reflect public expectations. These values are communicated to the community and our partners by publication of an Annual Governance Statement.</li> </ul>
1.3: Respecting the rule of law	<ul style="list-style-type: none"> <li>• When appropriate, reports to Executive Board consider the legal implications of decisions.</li> <li>• The Council's legal advisors are involved in all major issues.</li> </ul>

Sub-Principle	Examples of how the Council achieves good governance in practice
	<ul style="list-style-type: none"> <li>• The Operational Director – Legal and Democratic Services provides legal advice to the Council as the Council’s Monitoring Officer. One of the key functions of that role is to ensure the lawfulness and fairness of decision-making. Should any proposal, decision or omission give rise to unlawfulness or maladministration, the Monitoring Officer is required to report to Members.</li> <li>• The Council recognises the limits of lawful action and observes both the specific requirements of legislation and the general responsibilities placed on local authorities by public law.</li> <li>• The Council appoints statutory officers that have the skills, resources and support necessary to perform effectively in their roles. These statutory officers include: <ul style="list-style-type: none"> <li>○ Head of Paid Service (Chief Executive)</li> <li>○ Monitoring Officer (Operational Director – Legal and Democratic Services)</li> <li>○ Chief Finance Officer (s151 Officer) (Operational Director – Finance)</li> <li>○ Director of Children’s Services (Strategic Director – People)</li> <li>○ Director of Adult Services</li> <li>○ Director of Public Health</li> <li>○ Scrutiny Officer (s31 Officer) (Strategic Director – Enterprise, Community and Resources)</li> </ul> </li> <li>• The Council’s political structure is available on the Council’s website and includes roles and committee membership details.</li> <li>• The Council has appointed a Panel of Independent Persons. The role of the Independent Panel includes providing advice, views or recommendations to the Council in deciding whether or not to approve the dismissal of a Statutory Officer.</li> <li>• Statutory safeguarding boards are in place for Adults and Children’s services.</li> <li>• The Council has agreed an Anti-fraud, Bribery &amp; Corruption Policy, Fraud Response Plan, Fraud Sanction and Prosecution Policy and a Whistleblowing Policy.</li> <li>• 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.</li> </ul>

## Core Principle 2: Ensuring openness and comprehensive stakeholder engagement

**Rationale:** Local government is run for the public good; organisations therefore should ensure openness in their activities. Clear, trusted channels of communication and consultation should be used to engage effectively with all groups of stakeholders, such as individual citizens and service users, as well as institutional stakeholders.

### Sub-Principle

### Examples of how the Council achieves good governance in practice

#### 2.1: Openness

- Information on the Council's performance, finances and the democratic running of the Council is routinely published on the Council's website. The Council also fully complies with the reporting requirements of the Local Government Transparency Code 2015.
- Agendas, reports and minutes are published on the Council's website in advance of committee meetings. All meetings are open and can be attended by members of the public with the exception of those where confidential or personal matters may be disclosed.
- Records of decisions made and supporting documentation are available to the public within the 'Browse meetings' section of the Council's website.
- The Council ensures that its most significant decisions (or 'key decisions') are clearly recorded on the external website. The Council publishes notification of proposed key decisions in advance of committee meetings with details of the consultation process.
- Regular meetings are held with relevant lead members to brief them on developments in their service area and of issues of concern.
- The Council uses popular social media platforms, such as Twitter and Facebook, to reach a growing number of residents and stakeholders. It also publishes a Council magazine that is distributed to all households in the borough.
- An annual guide to Council Tax and Business Rates is published on the Council's website showing how the Council's money is spent.

Sub-Principle	Examples of how the Council achieves good governance in practice
	<ul style="list-style-type: none"> <li>• A Publication Scheme is available on the website which includes information about what the Council does, details of how funds are spent, progress against priorities and how decisions are made.</li> <li>• Where information is not available through the Publication Scheme, the Council operates clear and effective processes for dealing with Freedom of Information (FOI), Environmental Information Regulations (EIR) and Subject Access Requests (SAR).</li> <li>• The Council has in place a procedure for dealing with petitions and this is documented within the Constitution.</li> </ul>
2.2: Engaging comprehensively with institutional stakeholders	<ul style="list-style-type: none"> <li>• The Council is represented on a variety of bodies with relevant stakeholders; such as Halton Clinical Commissioning Group, the Children's Trust and the Health and Wellbeing Board.</li> <li>• All joint or partnering arrangements with other bodies are subject to the prior approval of the Operational Director (Legal and Democratic Services).</li> <li>• The Council's significant partnerships have been identified and appropriate governance arrangements are in place for those partnerships.</li> <li>• The partnership consultation database allows partners to coordinate consultation activity across the Borough.</li> <li>• Leadership is exercised through a robust scrutiny function which effectively engages local people and all local other stakeholders, including partnerships, and develops constructive accountability relationships.</li> <li>• Policy &amp; Performance Boards (PPB) co-opt additional members; for example, there are Healthwatch Halton representatives on the Health PPB.</li> </ul>
2.3: Engaging with individual citizens and service users effectively	<ul style="list-style-type: none"> <li>• Engagement with citizens and service users is carried out using a variety of methods, including a range of survey techniques (online, paper, face to face) and sampling techniques. The Council also uses qualitative techniques, such as focus and discussion groups.</li> <li>• In setting its budget the Council listens to the views of the public and the experience of elected members through their ward work. Individual consultations take place in respect of specific budget proposals.</li> </ul>

Sub-Principle	Examples of how the Council achieves good governance in practice
	<ul style="list-style-type: none"> <li>• Equality impact assessments are completed where necessary. This enables the Council to meet its statutory obligations, aids the Council in understanding issues of interest to the public and helps the Council to shape service delivery.</li> <li>• Local needs have been assessed via, for example, the preparation of the Joint Strategic Needs Assessment which aims to bring together all of the local intelligence about health, wellbeing and social care current and future needs of the local population. In addition, the development of the Children, Young People and Families Plan and the Halton Health and Wellbeing Strategy are informed by a range of stakeholder and community views including those of the voluntary sector.</li> <li>• The Council's magazine and website informs the community of forthcoming meetings, events and items in which the community are able to participate.</li> <li>• The Council's website is utilised to keep residents informed of current consultations and provides details of how to get involved with the Council, such as the Special Educational Needs and Disability (SEND) Parent Partnership and Youth Cabinet. This enables the views of hard to reach groups to be communicated.</li> <li>• Employees and their representatives are consulted and involved in decision making via Trade Union consultation and the staff suggestion scheme.</li> </ul>

**Core Principle 3: Defining outcomes in terms of sustainable economic, social, and environmental benefits**

**Rationale:** The long-term nature and impact of many of local government’s responsibilities mean that it should define and plan outcomes and that these should be sustainable. Decisions should further the organisation’s purpose, contribute to intended benefits and outcomes, and remain within the limits of authority and resources. Input from all groups of stakeholders, including citizens, service users, and institutional stakeholders, is vital to the success of this process and in balancing competing demands when determining priorities for the finite resources available.

Sub-Principle	Examples of how the Council achieves good governance in practice
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3.1: Defining outcomes	<ul style="list-style-type: none"> <li>• The strategic themes for Halton and its partners are set out in the Council’s Corporate Plan. The Plan identifies the Council’s strategic priority areas and its organisational values and principles.</li> <li>• The Corporate Plan is underpinned by a range of associated strategic documents (refer to point 2.3) that provide further detail of specific key priority areas which are developed.</li> <li>• The Council’s Corporate Planning Framework and the development of an organisational Business Plan provides the means by which the Council’s activities are determined and monitored. The framework ensures that the Council’s operational activities are complementary to the delivery of community aspirations and legal and statutory responsibilities.</li> <li>• Quarterly performance monitoring reports are produced to record progress against key business plan objectives and targets. Performance is reported to the Council’s Management Team, to the Executive Board and to the Policy and Performance Boards.</li> </ul>
3.2: Sustainable economic, social and environmental benefits	<ul style="list-style-type: none"> <li>• Equality impact assessments are undertaken for a wide range of policies, services and functions. This is an ongoing process and the published list of completed assessments is regularly updated.</li> <li>• The Council has a policy statement which sets out its commitment to social value. This is achieved through commissioning and procurement activity under the Public Services (Social Value) Act 2012. The Council considers and seeks to secure wider social benefits for Halton as a whole.</li> </ul>

Sub-Principle	Examples of how the Council achieves good governance in practice
	<ul style="list-style-type: none"> <li>• The Council has widely consulted on the first draft of its proposed Delivery and Allocations Local Plan, which incorporates revised Core Strategy Policies. The Local Plan will replace policies and the proposal map from the current Unitary Development Plan. Various evidenced based documents, such as Halton's Economic Profile and the Sustainable Environmental Assessment have helped to inform the Local Plan. The Local Plan aims to find and allocate the most sustainable sites to provide new housing and jobs, whilst protecting what is important to local people such as parks and local wildlife sites.</li> <li>• The Council (as Halton's transport authority) has produced a Local Transport Plan which reflects the views of a wide range of stakeholders and the public from within and outside its boundaries. The plan sets out how the Council will manage and maintain its transport network until 2026 and contains a four year implementation plan.</li> <li>• The Council's Medium Term Financial Strategy contains a three-year capital strategy. The Asset Management Strategy (the delivery of which is regularly monitored by the Asset Management Working Group) sets out how the land and buildings that are in Council ownership or occupation are structured to support the Council's priorities. The three-year Capital Programme is a major part of this strategy.</li> <li>• Appropriate governance arrangements are in place for regeneration projects; such as the Mersey Gateway Plus Regeneration Plan 2017-2027. This project seeks to maximize the economic benefits of the Mersey Gateway Project beyond its construction period. Appropriate opportunity exists for scrutiny and challenge from Members and senior officers. A Mersey Gateway Regeneration Steering Group has been established to oversee the implementation and delivery of the project.</li> </ul>

**Core Principle 4: Determining the interventions necessary to optimise the achievement of the intended outcomes**

**Rationale:** Local government achieves its intended outcomes by providing a mixture of legal, regulatory, and practical interventions (courses of action). Determining the right mix of these courses of action is a critically important strategic choice that local government has to make to ensure intended outcomes are achieved. They need robust decision-making mechanisms to ensure that their defined outcomes can be achieved in a way that provides the best trade-off between the various types of resource inputs while still enabling effective and efficient operations. Decisions made need to be reviewed frequently to ensure that achievement of outcomes is optimised, they can demonstrate the appropriateness of all their actions across all activities and have mechanisms in place to encourage and enforce adherence to ethical values and to respect the rule of law.

Sub-Principle	Examples of how the Council achieves good governance in practice
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4.1: Determining and planning interventions	<ul style="list-style-type: none"> <li>• The Council's Corporate Planning Framework provides the means by which the Council's activities are developed and monitored.</li> <li>• A robust medium term financial planning process is in place to ensure that resources are directed to the Council's priorities.</li> <li>• The Council operates a corporate complaints procedure and specific complaints procedures for Adult Social Care, Children's Social Care, schools and complaints relating to elected members. These procedures allow the Council to identify areas where things may have gone wrong and to put them right and prevent them from happening again.</li> <li>• Well established governance is in place for making evidence based service decisions through meetings of Divisional Management Teams, Senior Management Teams and the Chief Officer Management Team.</li> <li>• The Council's commissioning approach includes a clear commissioning cycle involving service review, evidence and consultation.</li> </ul>
4.3: Optimising achievement of intended outcomes	<ul style="list-style-type: none"> <li>• There is a well-established overview and scrutiny framework with six Policy and Performance Boards (PPBs) aligned to the Council's six corporate plan priorities. Throughout the year they hold the Executive to account, scrutinise performance and develop policy proposals for consideration by the Executive.</li> </ul>

Sub-Principle	Examples of how the Council achieves good governance in practice
	<ul style="list-style-type: none"> <li>• Quarterly performance monitoring reports are produced recording progress against key business plan objectives and targets. These reports are presented to the Council's Management Team, to the Executive Board and to the Policy and Performance Boards.</li> <li>• Service priorities are balanced with affordability and other resource constraints. The Medium Term Financial Plan considers significant ongoing financial challenges, such as changes to local government funding arrangements.</li> <li>• The Council aims to ensure that the purchase or commissioning of goods, services or works required to deliver services is acquired under Best Value terms. The Council's procurement activity is undertaken in line with the Council's Procurement Strategy and within clearly defined rules set out in Procurement Standing Orders. The Council considers Social Value at pre-tender and tender stage to ensure that appropriate desirable outcomes can be offered by suppliers in their tender submissions.</li> <li>• Contract monitoring arrangements ensure that services provided, whether directly or by contractors, partners or the voluntary sector are delivered to a high standard.</li> <li>• The Council's internal audit team carries out a comprehensive programme of audits each year reviewing the Council's front line and support services. The implementation of recommendations arising from this work assists the Council in identifying and managing risks that may impact on the achievement of outcomes.</li> </ul>

## Core Principle 5: Developing the entity's capacity, including the capability of its leadership and the individuals within it

**Rationale:** Local government needs appropriate structures and leadership, as well as people with the right skills, appropriate qualifications and mind-set, to operate efficiently and effectively and achieve intended outcomes within the specified periods. A local government organisation must ensure that it has both the capacity to fulfil its own mandate and to make certain that there are policies in place to guarantee that its management has the operational capacity for the organisation as a whole. Because both individuals and the environment in which an organisation operates will change over time, there will be a continuous need to develop its capacity as well as the skills and experience of individual staff members. Leadership in local government is strengthened by the participation of people with many different types of backgrounds, reflecting the structure and diversity of communities.

### Sub-Principle

### Examples of how the Council achieves good governance in practice

#### 5.1: Developing the entity's capacity

- The Council's Organisational Development Strategy (2016 – 2020), includes an Organisational Development Charter. The Strategy confirms the Council's commitment to the ethos that, by underpinning everything the Council does, its workforce will be part of the solution to providing excellent services.
- The Council is proactive in adopting new technologies that help make working practices more efficient and therefore free up capacity within the organisation.
- The Council ensures that the statutory officers have the skills, resources and support necessary to perform effectively in their roles and that these roles are understood throughout the Council.
- The Council continues to expand the use of e-learning resources as well as service specific training in order to maximise accessibility across the organisation and provide alternative delivery models of training that minimise cost and maximise opportunity at all levels and disciplines. In addition, mandatory training is in place for business critical issues such as Data Protection, Information Governance and Workstation Risk Assessments.
- Alternative service delivery methods, such as partnership or collaborative working with other organisations are explored if there is potential for improved value for money.
- The Council has adopted robust recruitment and appointment policies and procedures.

**Sub-Principle****Examples of how the Council achieves good governance in practice**

	<ul style="list-style-type: none"><li>• Job descriptions and person specifications have been produced for all posts.</li><li>• The Council actively encourages and supports workplace apprentice placements, which provide training, skills and experience in local government.</li></ul>
5.2: Developing the capability of the entity's leadership and other individuals	<ul style="list-style-type: none"><li>• The Council holds the NW Charter for Elected Member Development Exemplar Level status.</li><li>• Newly elected members attend a two-day induction programme with follow-up mentoring.</li><li>• Elected members are also provided with the opportunity for an annual review to identify their development requirements, which are set out in a Member Action Plan.</li><li>• A comprehensive elected member development programme provides a wide range of learning and development opportunities; including a programme of seminars on topical matters.</li><li>• Members of the Audit and Governance Board receive regular training to assist them in their role as the Council's Audit Committee.</li><li>• The Council operates ongoing processes to identify the personal development needs of employees. The information gained from these processes is used to inform the design of the corporate training programme and to source specialised professional training.</li><li>• The Council's Learning &amp; Development Team offers continuous leadership development through its accreditation with the Institute for Leadership &amp; Management (ILM).</li><li>• The Council offer its employees the opportunity to apply for funding to support their academic development that is linked to the Council's priorities thereby increasing individual capacity and supporting succession planning.</li><li>• To improve employee health and wellbeing, the Council has adopted a Workplace Health Programme. This includes offering NHS health checks, lung age checks and health awareness events.</li></ul>

**Core Principle 6: Managing risks and performance through robust internal control and strong public financial management**

**Rationale:** Local government needs to ensure that the organisations and governance structures that it oversees have implemented, and can sustain, an effective performance management system that facilitates effective and efficient delivery of planned services. Risk management and internal control are important and integral parts of a performance management system and are crucial to the achievement of outcomes. Risk should be considered and addressed as part of all decision making activities. A strong system of financial management is essential for the implementation of policies and the achievement of intended outcomes, as it will enforce financial discipline, strategic allocation of resources, efficient service delivery and accountability. It is also essential that a culture and structure for scrutiny are in place as a key part of accountable decision making, policy making and review. A positive working culture that accepts, promotes and encourages constructive challenge is critical to successful scrutiny and successful service delivery. Importantly, this culture does not happen automatically, it requires repeated public commitment from those in authority.

Sub-Principle	Examples of how the Council achieves good governance in practice
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6.1: Managing risk	<ul style="list-style-type: none"> <li>• The Council has embedded risk management arrangements. Directorate and corporate risk registers outline the key risks faced by the Council, including their impact and likelihood, along with the relevant mitigating controls and actions. Responsibilities for managing individual risks are contained within the registers and these are updated annually in tandem with the development of the Corporate Business Plan.</li> <li>• The Council's internal audit team prepares and delivers a risk based audit plan that is kept under review to reflect changing priorities and emerging risks.</li> <li>• Business continuity plans have been developed to ensure that critical service delivery can be maintained or recovered during an emergency situation.</li> <li>• The Council provides decision-makers with full and timely access to relevant information. The executive report template requires information to be provided explaining the policy, financial and risk implications of decisions, as well as implications for each of the corporate priorities and any equality and diversity implications.</li> <li>• The Audit and Governance Board regularly reviews the robustness of the Corporate Risk Register and the adequacy of the associated risk management arrangements.</li> </ul>
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Sub-Principle	Examples of how the Council achieves good governance in practice
6.2: Managing performance	<ul style="list-style-type: none"> <li>• The Council has a well-established Audit Committee (the Audit and Governance Board), which meet on a quarterly basis. The Board has clearly defined responsibilities and provides oversight and challenge in regard to the Council's governance, risk management, audit, procurement and counter fraud and corruption arrangements. The Board is independent of the executive and scrutiny functions. Its terms of reference is informed by the CIPFA guidelines on Audit Committees.</li> <li>• Six Policy &amp; Performance Boards (PPBs) are established to provide an effective scrutiny function that encourages constructive challenge and enhances the Council's performance. Quarterly reporting enables performance against a range of indicators to be monitored by the relevant PPB.</li> </ul>
6.3: Robust internal control	<ul style="list-style-type: none"> <li>• The Audit and Governance Board meets on a regular basis to consider and challenge a range of reports around the risk management, control and governance processes of the Council.</li> <li>• The Council has a Head of Internal Audit and a continuous internal audit service, which has been assessed as conforming to the Public Sector Internal Audit Standards. Internal audit plays a key role in reviewing and improving the effectiveness of the Council's risk management, governance and control arrangements. The Head of Internal Audit also presents an annual report and opinion on the Council's risk management, control and governance processes to the Audit and Governance Board.</li> <li>• The risk based annual internal audit plan is reviewed and approved by the Audit and Governance Board. A summary of completed work and details of progress against the plan is presented on a quarterly basis.</li> <li>• The Council has an Anti-Fraud, Bribery and Corruption Policy, a Fraud Response Plan, Fraud Sanction and Prosecution Policy and a Whistleblowing Policy, which are all reviewed on a regular basis. The policies confirm the Council's zero tolerance approach to fraud, bribery and corruption and outline how the arrangements that the Council has established to manage these risks.</li> <li>• An annual update on the Council's anti-fraud, bribery and corruption arrangements, including activity during the year, is presented to the Audit and Governance Board.</li> <li>• The Council's external auditor reports annually on the Council's internal controls in the Audit Findings report, which highlights the key findings from the audit of the financial statements.</li> <li>• The Council produces and publishes an Annual Governance Statement (AGS), which is subject to review and approval by the Audit and Governance Board. The AGS explains the processes and procedures in place to enable</li> </ul>

Sub-Principle	Examples of how the Council achieves good governance in practice
	<p>the Council to carry out its functions effectively. The document is produced following a review of the Council's governance arrangements and it includes an action plan to address any significant governance issues identified.</p> <ul style="list-style-type: none"> <li>• The Council participates in a range of external audits, inspections and accreditations to ensure it remains accountable for the quality of services its delivers as well to support continuous improvement of services.</li> </ul>
6.4: Managing data	<ul style="list-style-type: none"> <li>• The Council is committed to safeguarding personal data it holds and sharing this data only in circumstances required or permitted by law. There is a suite of policies relating to records management, data quality, data protection and information security.</li> <li>• Information governance is overseen by the Council's Data Protection Officer. An Information Governance Group is in place and responsibilities include authorisation of information governance and security policies and providing overall strategic guidance to ensure effective information management practice.</li> <li>• During 2017/18 the Council commenced an extensive project to ensure that it was in a position to comply with the General Data Protection Regulations (GDPR). This included engaging with all departments of the Council, providing a series of awareness raising sessions for key officers and regular updates to all staff and elected members. GDPR awareness is raised with all officers via mandatory e-learning.</li> <li>• Data subjects are informed why their personal information is being collected and how it will be processed (including when shared with other bodies) through the Council's overall Privacy Notices published on the website and individual Privacy Statements (where required). The process has been enhanced to comply with new legislation.</li> <li>• To support appropriate information sharing with external organisations, guidance is available to all employees and there is an expectation that an information sharing agreement is in place.</li> <li>• The Council operates clear and effective processes for dealing with Freedom of Information (FOI) requests and Subject Access Requests (SAR).</li> </ul>
6.5: Strong public financial management	<ul style="list-style-type: none"> <li>• The Operational Director – Finance, as the s151 Officer appointed under the 1972 Local Government Act, carries overall responsibility for the financial administration of the Council.</li> <li>• Financial procedures are documented within Finance Standing Orders which are included within the Council's Constitution. This includes details of the Council's financial delegation limits.</li> </ul>

Sub-Principle	Examples of how the Council achieves good governance in practice
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	<ul style="list-style-type: none"> <li>• The Council's external auditor provides an annual opinion on the accounts and reports their findings to the Audit and Governance Board. A review of the overall control environment relevant to the preparation of the Council's financial statements is also completed in order to identify if there are any material weaknesses.</li> <li>• Despite significant funding reductions and increasing demand for services the Council continues to set a balanced budget via a robust process led by the Members' Budget Working Group.</li> <li>• The budget position is monitored throughout the year through reports to Management Team, the relevant Policy and Performance Boards and Executive Board. Quarterly revenue and capital update reports are supported by explanations for significant variances.</li> <li>• The Medium Term Financial Strategy, Capital Programme and Revenue Budget processes ensure that financial resources are directed to the Council's priorities.</li> <li>• A summary of performance information and the financial statements is distributed to every household with the Council magazine.</li> </ul>
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**Core Principle 7: Implementing good practices in transparency, reporting, and audit to deliver effective accountability**

**Rationale:** Accountability is about ensuring that those making decisions and delivering services are answerable for them. Effective accountability is concerned not only with reporting on actions completed, but also ensuring that stakeholders are able to understand and respond as the organisation plans and carries out its activities in a transparent manner. Both external and internal audit contribute to effective accountability.

**Sub-Principle**

**Examples of how the Council achieves good governance in practice**

7.1: Implementing good practice in transparency and reporting

- The Council fully complies with the Local Government Transparency Code 2015 and publishes a wide range of information on its website. This includes details of meetings, minutes and agendas, policies and plans, the Council Constitution, details of members' allowances and expenses, details of senior staff pay, contract awards, and details of land and building assets.
- The Annual Statement of Accounts are compiled, published to timetable and included on the Council's website.
- The Council operates clear and effective processes for dealing with Freedom of Information (FOI) requests and Subject Access Requests (SAR).
- All Council meetings are open and can be attended by members of the public with the exception of those where confidential or personal matters may be disclosed.
- The 'call in' procedure allows Members to examine decisions made by the Executive in detail. Decisions may be 'called in' which means that implementation does not take place immediately to allow an opportunity for further consideration.
- Elected Members are democratically accountable to their local area and this provides a clear leadership role in building sustainable communities.
- Within the Constitution, the Council has set out how the Council operates, how decisions are made and the procedures which are followed to make sure that these are efficient, transparent and accountable to local people. This includes the roles and responsibilities of:
  - The Executive, the Leader and other Executive Members;

Sub-Principle	Examples of how the Council achieves good governance in practice
	<ul style="list-style-type: none"> <li>○ Policy and Performance Boards, which advise the Executive and Council on its policies, budgets and service delivery;</li> <li>○ The Committees established to fulfil the Council's regulatory and other functions.</li> </ul> <ul style="list-style-type: none"> <li>● The Council uses social media to reach a growing number of residents and stakeholders. It also publishes a Council magazine that is distributed to all households in the borough.</li> </ul>
7.2: Assurance and effective accountability	<ul style="list-style-type: none"> <li>● The Council's external auditor provides an annual assessment on how well the Council is managing and using its resources to deliver value for money and better and sustainable outcomes for local people.</li> <li>● The Council has developed robust procedures to respond positively to the findings and recommendations of external auditors and statutory inspectors. Action plans are developed in response to external inspections and their implementation monitored.</li> <li>● The Council has established various ongoing arrangements that provide effective assurance. These include the work of internal audit, the Council's risk and performance management arrangements, the work of the Information Governance Group, the work of the Policy and Performance Boards and the work of the Audit and Governance Board..</li> <li>● The Council operates a whistleblowing procedure and has well-publicised arrangements for employees and the wider community to raise any concerns.</li> <li>● An annual report is produced by Internal Audit which provides an opinion on the Council's framework of governance, risk management and control. The internal audit service has been assessed as conforming to the Public Sector Internal Audit Standards.</li> <li>● The Annual Governance Statement (AGS) is prepared in accordance with CIPFA / SOLACE guidance. The AGS sets out the Council's governance framework and the results of the annual review of the effectiveness of the Council's arrangements. The AGS includes significant areas for improvement and an action plan to identify how the issues will be addressed.</li> </ul>

# MEMBERS CODE OF CONDUCT

## Introduction

This Authority and others across the Liverpool City Region have adopted this Code of Conduct to promote and maintain high standards of conduct and underpin public confidence in the authority and its members and co-opted members. It is adapted from the Local Government Association (LGA) Model Councillor Code of Conduct 2020 published 19<sup>th</sup> January 2021.

The LGA Model Code was introduced by a Joint Statement from the political groups that:

*“The role of councillor across all tiers of local government is a vital part of our country’s system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.*

*As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area; taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.*

*Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied or threatened by anyone, including the general public.*

*This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public’s trust in local government.”*

The Code sets out general obligations about the standards of conduct expected of Members and co-opted members of the authority, together with provisions about registering and declaring interests. It has been adopted under section 27 of the Localism Act 2011 by the Authority on [ ].

The LGA Model Code is to be reviewed annually and is supported by Guidance [to be] issued.

## Definitions

For the purposes of this Code of Conduct, a “Member” means a member or co-opted member of a local authority [or a directly elected mayor]. A “co-opted member” is

defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who:

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

For the purposes of this Code of Conduct, “local authority” includes the upper tier councils, town or parish councils and the combined authorities across the Liverpool City Region.

## **Purpose of the Code of Conduct**

The purpose of this Code of Conduct is to assist you, as a Member, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow Members, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all Members and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of Member and local government.

## **General principles of Member Conduct**

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, Members and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of Member.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of Member.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person

- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

### **Application of the Code of Conduct**

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of Member or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a Member.

This Code of Conduct applies to you when you are acting in your capacity as a Member which may include when:

- you misuse your position as a Member; or
- your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a Member.

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a Member.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish Members are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

### **Standards of Member conduct**

This section sets out your obligations, which are the minimum standards of conduct required of you as a Member. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

## **General Conduct**

### **1. Respect**

#### **As a Member:**

**1.1 I treat other Members and members of the public with respect.**

**1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a Member, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in Members.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow Members, where action could then be taken under the Member Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's Member- officer protocol.

### **2. Bullying, harassment and discrimination**

#### **As a Member:**

**2.1 I do not bully any person.**

**2.2 I do not harass any person.**

**2.3 I promote equalities and do not discriminate unlawfully against any person.**

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on

social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Members have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

### **3. Impartiality of officers of the local authority**

**As a Member:**

**3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.**

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

### **4. Confidentiality and access to information**

**As a Member:**

**4.1 I do not disclose information:**

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**

- i. **I have received the consent of a person authorised to give it;**
- ii. **I am required by law to do so;**
- iii. **the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
- iv. **the disclosure is:**
  1. **reasonable and in the public interest; and**
  2. **made in good faith and in compliance with the reasonable requirements of the local authority; and**
  3. **I have consulted the Monitoring Officer prior to its release.**

**4.2 I do not improperly use knowledge gained solely as a result of my role as a Member for the advancement of myself, my friends, my family members, my employer or my business interests.**

**4.3 I do not prevent anyone from getting information that they are entitled to by law.**

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

## **5. Disrepute**

**As a Member:**

**5.1 I do not bring my role or local authority into disrepute.**

As a Member, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other Members and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/it's functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow Members to account and are able to constructively challenge and express concern about decisions and processes

undertaken by the local authority whilst continuing to adhere to other aspects of this Code of Conduct.

## **6. Use of position**

### **As a Member:**

**6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

## **7. Use of local authority resources and facilities**

### **As a Member:**

**7.1 I do not misuse local authority resources.**

**7.2 I will, when using the resources of the local or authorising their use by others:**

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a Member.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a Member more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

## **8. Complying with the Code of Conduct**

### **As a Member:**

- 8.1 I undertake Code of Conduct training provided by my local authority.**
- 8.2 I cooperate with any Code of Conduct investigation and/or determination.**
- 8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**
- 8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a Member to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

## **Protecting your reputation and the reputation of the local authority**

### **9. Interests**

#### **As a Member:**

- 9.1 I register and disclose my interests.**

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of Members of the local authority.

You need to register your interests so that the public, local authority employees and fellow Members know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other Members when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

**Appendix B** sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

## 10. Pre-Determination or Bias

**As a Member I:**

- 10.1 **Never place myself under any financial or other obligation to outside individuals or organisations who might seek to influence me in the performance of my official duties.**
- 10.2 **Consider all matters with an open mind and make decisions based upon weighing the best evidence before me, fairly and on merit.**

Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life, you should not be prohibited from participating in a decision in your role as Member. However, you must ensure that your integrity is not compromised.

You may be pre-disposed to a number of outcomes to a decision, based upon your, philosophy, beliefs or political allegiance (including any application of a Group whip), but this must not predetermine your actions or the outcome of a decision you are to make. You must always remain open to the potential for further evidence or argument to alter any previously expressed or held viewpoint at the time of making your decision. For this reason, particularly in relation to contractual matters or those affecting individuals' civil rights, it is often best to be cautious about how or if your views are expressed before coming to make a decision.

## 11. Gifts and hospitality

**As a Member:**

- 11.1 **I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- 11.2 **I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within**

**28 days of its receipt.**

**11.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a Member. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a Member, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a Member. If you are unsure, do contact your Monitoring Officer for guidance.

## **Appendices**

### **Appendix A – The Seven Principles of Public Life**

The principles are:

#### **Selflessness**

Holders of public office should act solely in terms of the public interest.

#### **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

#### **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

#### **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

#### **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

#### **Honesty**

Holders of public office should be truthful.

#### **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## Annex B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

“**Disclosable Pecuniary Interest**” means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

“**Partner**” means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

“**Standard Dispensation**” means a dispensation that has been granted by the Authority relieving the member or co-opted member from the restrictions or obligations under this Code as detailed in **Table 3** below.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the Member, or a person connected with the Member, being subject to violence or intimidation.
3. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

### Disclosure and Non-participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation or a Standard Dispensation applies. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

## **Disclosure of Other Registerable Interests and Non-Registerable Interests (Personal and Prejudicial Interests)**

### **Personal Interests**

6. Where a matter arises at a meeting which **affects**:
  - a. your own financial interest or well being;
  - b. a financial interest or well-being of a relative, close associate; or
  - c. a body included in those you need to disclose under Other Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing the interest the following test should be applied

### **Prejudicial Interests**

7. In the following instances, you must disclose the interest and you may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

- a. Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (as set out in **Table 2**).
- b. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate.
- c. Where a matter **affects** your financial interest or well-being:
  1. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;

2. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest
8. 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 make sure that any written statement of that decision records the existence and nature of your interest.

## **Overview and Scrutiny Committees**

9. 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 Cabinet, board or another of your authority's committees, sub-committees, joint committees or joint subcommittees; and
  - (b) at the time the decision was made or action was taken, you were a member of the Cabinet, board, committee, sub-committee, joint committee or joint sub-committee mentioned in sub-paragraph (a) and you were present when that decision was made or action was taken.
10. Paragraph 9 does not prevent you attending and participating in a meeting if you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers.

## Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

<b>Subject</b>	<b>Description</b>
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
<b>Sponsorship</b>	Any payment or provision of any other financial benefit (other than from the local authority) made to the Member during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a Member, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
<b>Contracts</b>	Any contract made between the Member or his/her spouse or civil partner or the person with whom the Member is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
<b>Land and Property</b>	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the Member or his/her spouse or civil partner or the person with whom the Member is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.

<b>Licenses</b>	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
<b>Corporate tenancies</b>	Any tenancy where (to the Member's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the Member, or his/her spouse or civil partner or the person with whom the Member is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
<b>Securities</b>	Any beneficial interest in securities* of a body where— (a) that body (to the Member's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the Member, or his/ her spouse or civil partner or the person with whom the Member is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

\* 'director' includes a member of the committee of management of an industrial and provident society.

\* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

## Table 2: Other Registrable Interests

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority
- b) any body
  - (i) exercising functions of a public nature
  - (ii) any body directed to charitable purposes or
  - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

## Table 3: Standard Dispensations

1. You will not be regarded as having a prejudicial interest in any business of your authority in respect of any Other Registerable Interest:
  - (a) where that business relates to:
    - (i) another local authority of which you are also a member;
    - (ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;
    - (iii) a body to which you have been elected, appointed or nominated by your authority, but only in the circumstance where the sole purpose of participating is to make representations, answer questions or give evidence relating to the business at the request of the [elected mayor, cabinet, cabinet member or] Committee meeting
    - (iv) your role as a school governor, unless it relates particularly to the school of which you are a governor; or
    - (v) your role as a member of a National Health Service board or governing body;
  - (b) except that no dispensation described in sub-paragraph (a) above will apply where the business to be transacted at the meeting is the determination of any regulatory approval, consent, licence, permission or registration (*for example, determination of an application for planning permission or consent or licence under the Licensing Act 2003*).

2. You will not be regarded as having a prejudicial interest in any business where that business relates to:
- (a) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;
  - (b) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;
  - (c) the functions of your authority in respect of 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 from your authority;
  - (d) the functions of your authority in respect of an allowance or payment made under sections 22(5), 24(4) and 173 to 176 of the Local Government Act 1972, an allowance or pension under section 18 of the Local Government and Housing Act 1989 or an allowance or payment under section 100 of the Local Government Act 2000;
  - (e) any ceremonial honour given to one or more Members; or
  - (f) the setting of the authority's council tax requirement, council tax, levy or a precept under the Local Government Finance Act 1992 (except that this dispensation does not apply if you are two months or more in arrears with their Council Tax you must declare this to the meeting and must not vote on budget recommendations, as to do otherwise can be a criminal offence).

## **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 may be 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 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 fulfill 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 dis-favour 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 and of Bribery Act 2010.

(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 – Enterprise, Community and Resources 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 offer or 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. 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.

3. 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.

4. 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.

5. 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 Chair at one of the regular meetings held with the Chief Officer, and the Chair 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 Chair or another Board or Committee Member in exceptional circumstances is unhappy with its contents, it should not be amended by the Chair 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 Chair then exceptionally the Chair should write his or her own report in addition to the report submitted by the Chief Officer. In this instance, the Chair 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

6. The Board or Committee Agenda is the responsibility of the Chair 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 Chair in advance.

## Members' Complaints

7. 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.

## WHISTLE-BLOWING POLICY

### 1.0 INTRODUCTION

- 1.1 Individuals working within or for an organisation are often the first to realise that there may be something seriously wrong within it. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the organisation. 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.
- 1.2 Whistle-blowing is the term used when someone who works within or for an organisation raises a concern about a possible fraud, crime, danger or other serious risk that could threaten customers, colleagues, the public or the organisation's own reputation. Blowing the whistle is more formally known as 'making a disclosure in the public interest'.
- 1.3 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, elected members and contractors who have serious concerns about any aspect of the Council's work, to come forward and voice those concerns.
- 1.4 This policy sets out the ways in which individuals may raise concerns that they have and explains how those concerns will be dealt with. It also gives protection to the person raising concerns.
- 1.5 The policy applies to all employees, elected members, ex-employees (within 3 months of cessation of their employment with Halton Borough Council), volunteers, or contractors working for the Council on Council premises (for example, agency staff, builders and drivers). It also covers suppliers and those providing services under a contract with the Council in their own premises, for example, care homes.
- 1.6 This policy has been developed taking into account:
- The Public Interest Disclosure Act 1998, which protects whistle-blowers who report concerns, from subsequent harassment, victimisation and other unfair treatment arising out of the disclosure. The Act is incorporated into the Employment Rights Act 1996, which already protects employees who take action over, or raise concern about, health and safety at work.
  - The sections of the Enterprise and Regulatory Reform Act 2013 relating to protected disclosures.
- 1.7 This policy has been discussed with the relevant trade unions and has their support.

## **2.0 AIMS OF THIS POLICY**

### **2.1 This policy aims to:**

- encourage individuals to feel confident in raising serious concerns and to question and act upon concerns about practice and procedures;
- provide avenues for individuals to raise those concerns and receive feedback on any action taken;
- ensure that individuals receive a response to their concerns and are aware of how to pursue them if not satisfied;
- reassure individuals that they will be protected from possible reprisals or victimisation from those working within or for the Council if they have a reasonable belief that they have made any disclosure in good faith.

### **2.2 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.”*

### **2.3 This policy supports that statement.**

## **3.0 SCOPE OF THIS POLICY**

3.1 It is important to know the difference between a ‘Whistle-blow’ and a ‘grievance.’ A Whistle-blow has a public interest aspect to it, as it puts at risk others. A grievance by contrast has no public interest factors, as it is a complaint about a particular employment situation. A grievance should be reported using the Grievance Policy, not this policy.

3.2 This policy is not a substitute for and does not replace other relevant policies within the Council. Where the concerns raised relate to a breach of one of those policies they will be investigated under that policy. This policy is not intended to be used where other more appropriate procedures are available. These may include, but are not limited to:

- Disciplinary Procedure
- Child and Adult Safeguarding Policies and Procedures
- Dignity at Work Policy
- Grievance Procedure
- Single Equalities Scheme
- Corporate Complaints Policy

3.3 This policy supports the Council's Anti-Fraud and Anti-Corruption Strategy and the Fraud Response Plan. It is intended to help anyone working within or for the Council, if they have major concerns over any wrong-doing within the

organisation, to raise concerns internally rather than overlooking the problem or blowing the whistle externally unless the whistle blower feels that is the most appropriate way. However, the Council will support you in raising a matter externally if you feel this is the best course of action.

3.4 Specific examples of concerns that could be raised under this policy, if a reasonable belief that one or more of them may have occurred, could include:

- Concerns relating to matters covered by internal Council policies and procedures, such as;
- Actions or behaviour that make you feel uncomfortable in terms of falling below established standards of practice or which amount to improper conduct
- Actions in breach of the Council's Standing Orders and policies;
- Damage to the environment;
- Dangerous procedures or practices risking health and safety, including risks to the public, service users and to other employees;
- Other unethical conduct;

Concerns relating to matters that may, following investigation, need to be dealt with under policies and procedures external to the Council, such as;

- Conduct which is a criminal offence or a breach of the law;
- Disclosures related to miscarriages of justice;
- The unauthorised use of public funds;
- Fraud and corruption;
- Sexual or physical abuse of service users;
- Other unethical conduct;

3.5 These are known as qualifying disclosures under the Public Interest Disclosure Act 1998

3.6 This list is not meant to be exhaustive but gives examples of potential malpractice. The overriding concern should be that it is in the public interest for the potential malpractice to be corrected and sanctions taken if need be

3.7 This policy will be referenced where relevant and made available for inspection and use as part of the awarding of any Council contracts.

#### **4.0 SAFEGUARDS AND PROTECTION**

4.1 The Council recognises that the decision to report a concern can be a difficult one to make. The Council will not tolerate any harassment, victimisation

(including informal pressures), disadvantage, detrimental action or deliberate failure to act. The Council will take appropriate action to protect you when you raise a concern which you have a reasonable belief to be in the public interest and has disciplinary policies, including those on Harassment & Bullying at Work, which are designed to protect Whistle-blowers from all forms of harassment in the workplace.

- 4.2 Any investigation into allegations of potential malpractice will normally not be interrupted by any employment procedures that may already be underway. It is not the Council's intention to delay action taken under the disciplinary or other policies, pending the completion of investigations taken in accordance with this policy, unless the Council considers that the merits of a particular case warrant this, or unless the matter becomes a police matter which prevent further internal processes.
- 4.3 In all cases, the provisions of The Public Interest Disclosure Act (PIDA) will be adhered to. However, the Enterprise & Regulatory Reform Act (ERRA) introduces a Public Interest test requirement on Whistle-blowers. In order to receive the protection of PIDA, whistle-blowers will be required to show that they reasonably believed that the disclosure they are making is in the Public Interest. This should be done through the evidence they present when raising their concern. The procedure for making allegations is set out in Section 7 of this policy. Further information on the ERRA can be found at [www.legislation.gov.uk](http://www.legislation.gov.uk)
- 4.4 If an allegation is made that is reasonably believed to be in the public interest, but it is not confirmed by the investigation, no action will be taken against the person making the allegation. If it is found, however, during the investigation that an allegation has been made vexatiously, maliciously or for personal gain, disciplinary action may then be taken.
- 4.5 As a whistle blower, legal protection is also given by the Public Interest Disclosure Act 1998. If a whistleblower makes what is known as a "qualifying disclosure" under the 1998 Act to their employer or certain other persons/bodies, and this is done reasonably and in the public interest, it will be unlawful to subject them to any detriment.
- 4.6 If a case progresses to an Employment Tribunal, compensation may be awarded if the Council breaches the 1998 Act, following a successful claim for 'detrimental treatment'. Compensation may be reduced however if the allegation was not made in good faith.

## **5.0 CONFIDENTIALITY**

- 5.1 All concerns will be treated in confidence and every effort will be made not to reveal the identity of the person making the allegation if they so wish (subject to any legal requirements or decisions). This cannot be guaranteed however if a person needs to come forward as a witness. For example, if a hearing is

needed, either by law, or under a Council procedure, the employee disclosing the concern may be required to give evidence.

5.2 The employee disclosing a concern should ensure that they only inform the person(s) identified in part 7 below.

5.3 If the nature of the whistle blow requires disclosure to other people to conduct an investigation, then the employee who originally disclosed this will be informed that this needs to happen.

## **6.0 ANONYMOUS ALLEGATIONS**

6.1 This policy encourages those making the allegation to put their name to your disclosure and receive the protection of PIDA whenever possible. Concerns expressed anonymously are much less powerful but will be considered where there is enough detail to justify further investigation.

6.2 Any anonymous concerns or allegations received under this policy will be referred to the Head of Internal Audit and will be logged and investigated as far as possible under the process outlined in section 8 of this policy.

## **7.0 HOW TO RAISE A CONCERN**

7.1 As a first step, the person making the allegation should normally raise concerns with their immediate manager or the supervisor of their manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if the person making the allegation believes that their own manager is involved, they should approach one of the following:

- Operational Director and Monitoring Officer (Legal and Democratic Services);
- Strategic Director – Enterprise, Community and Resources
- Head of Internal Audit
- Chair of the Audit and Governance Committee (who can be contacted by a letter addressed to the Chair of the Audit and Governance Committee and sent to the Municipal Building, Kingsway, Widnes, WA8 7QF).

7.2 These individuals may also provide advice and guidance on matters of concern under this policy.

7.3 Concerns may be raised verbally or in writing. Individuals 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.

7.4 The earlier a concern is expressed, the easier it is to take action. Although a person is not expected to prove beyond doubt the truth of an allegation, they should demonstrate to the person contacted that there are reasonable grounds for the concern.

7.5 The person making the allegation is able to invite a trade union representative, professional association representative or a colleague to be present during any meetings or interviews in connection with the concerns raised.

7.6 Wherever possible concerns or allegations should be reported internally. If the person making the allegation is unwilling or unable to report the matter internally there are a number of other agencies they may be able to report their concerns to and which can be accessed at the following link:

[List of prescribed people and bodies](#)

7.7 The Small Business, Enterprise and Employment Act 2015 amends the Employment Rights Act to require "prescribed persons" under the whistleblowing legislation to produce annual reports on all whistleblowing disclosures made to them. These reports will not contain the names of the people who made the disclosures.

7.8 The full list of prescribed people and bodies is included at Appendix 2 in the version of this policy published on the Councils intranet.

7.9 A new Whistleblowing Advice Line ran by the NSPCC Helpline has officially launched. This has been developed to provide support to employees wishing to raise concerns over how child protection issues are being handled in their own or other organisations. The NSPCC Whistleblowing Advice Line can be reached on 0800 028 0285.

7.10 The advice line is not intended to replace any current practices or responsibilities of organisations working with children. The helpline advisors would encourage professionals to raise any concerns about a child to their own employer in the first instance. However, the advice line offers an alternative route if whistleblowing internally is difficult or professionals have concerns around how matters are being handled.

## **8.0 HOW THE COUNCIL WILL RESPOND**

8.1 The Council will respond to and investigate any concerns raised under this policy. All allegations and concerns raised under this policy will be formally recorded and logged in a secure register held by the Responsible Officer (or their designated representative) identified in section 9 of this policy.

8.2 Matters raised may be:

- Investigated by management;
- Investigated by internal audit;
- Progressed through internal procedure;
- 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.

8.3 In order to protect anybody accused of misconduct, an initial investigation will be made to decide whether a full investigation is appropriate and, if so, what form it should take. If appropriate, Human Resources will be informed.

8.4 Some concerns may be resolved following an initial investigation without the need for full investigation.

8.5 Within ten working days of your concern being raised, the person making the allegation may be invited to a meeting in person to discuss your concern.

8.7 The Council will write to the person making the allegation:

- indicating how it plans to deal with the matter
- giving an estimate of how long it will take to provide a full response
- Supplying information on staff support mechanisms, for example welfare or Occupational Health

8.8 The amount of contact between the person making the allegation and any officers considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided.

8.9 If, following initial investigation, a formal investigation of an allegation is required under this policy, this will be conducted in line with the process set out within the Council Disciplinary procedure.

8.10 The Council will minimise any difficulties which may be experienced as a result of raising a concern. For instance, if a person is required to give evidence in criminal or disciplinary proceedings the Council will arrange for them to receive advice about the procedure. It is important for whistle-blowers to understand that making a whistle-blowing allegation doesn't give them an automatic right to anonymity, but does give them protection from harassment or victimisation and that the Council will not tolerate any form of this from anyone working within or for the Council.

8.11 If urgent action is required, for example if there is an urgent health and safety or safeguarding concern, this will be taken before any investigation is conducted.

8.12 This process is set out in the form of a flowchart and attached at Appendix 1 of this policy

## **9.0 THE RESPONSIBLE OFFICER**

9.1 The Head of Internal Audit has overall responsibility for the maintenance and operation of this policy and will maintain a record of all concerns raised and any outcomes. This record will be in a form which does not compromise your confidentiality and may be officially delegated to a named officer to maintain. The Head of Internal Audit will report as necessary to the Council.

## **10.0 HOW THE MATTER CAN BE TAKEN FURTHER**

10.1 If the person making the allegation feels it is right to take the matter outside the Council, the following are possible contact points:

- the external auditor
- Citizens' Advice Bureau
- relevant professional bodies or regulatory organisations
- a relevant voluntary organisation
- the police
- organisations prescribed from time to time by the Secretary of State for the purpose of protected disclosure under the Public Interest Disclosure Act

10.3 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any potential wrongdoing in the workplace. In the majority of cases it should not be necessary to alert anyone externally.

10.4 The law recognises however, that in some circumstances it may be appropriate to report your concerns to an external body, such as a regulator. A list of these agencies and contacts are linked to at paragraph 7.6 and again at Appendix 2 of this policy as published on the intranet.

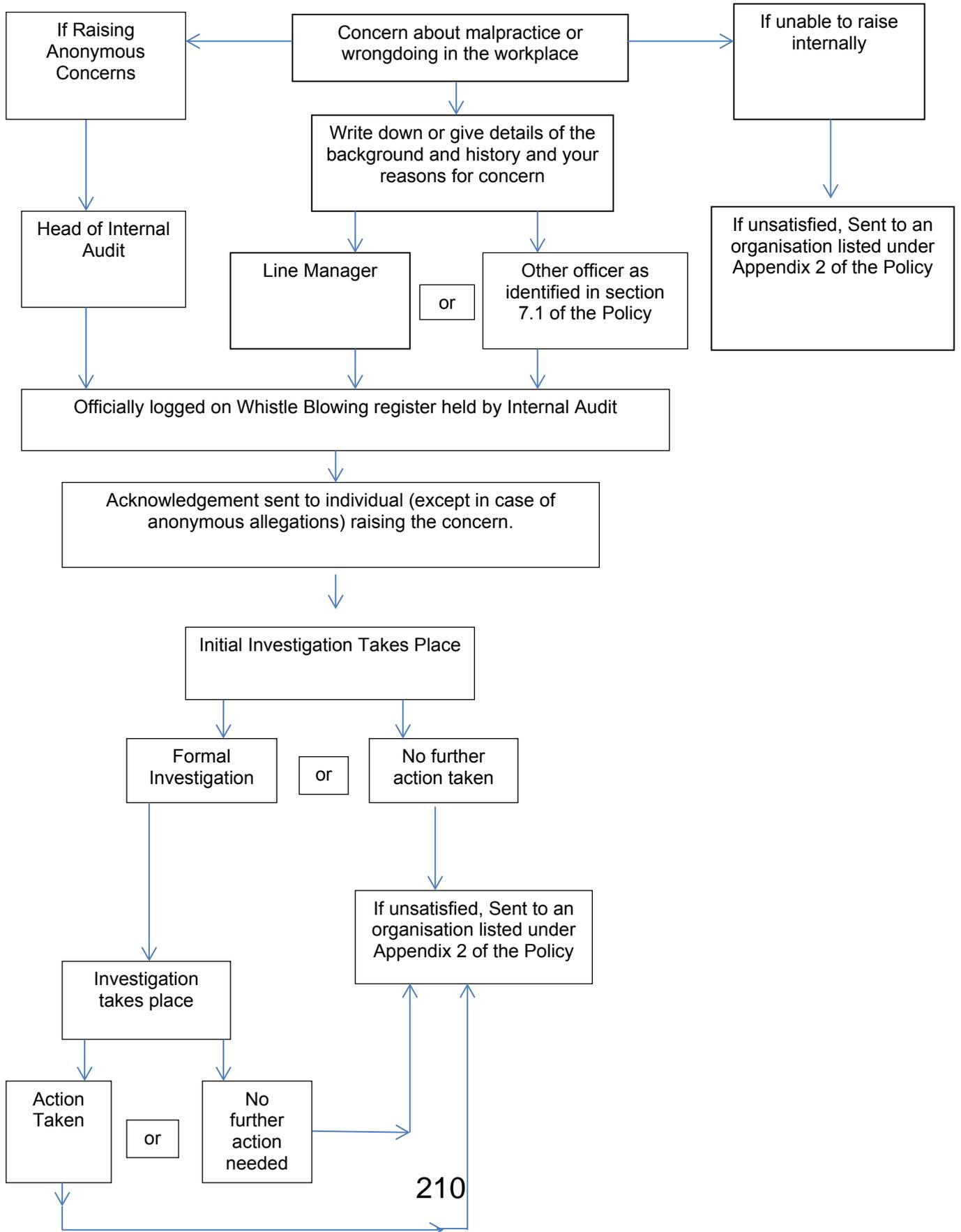
10.5 If the matter is taken outside the Council, confidential information should not be exposed, for example such as that covered by the Data Protection Act 1998. It is advised that advice is sought before reporting a concern externally. The independent whistle blowing charity, [Public Concern at Work](#) operates a confidential hotline (020 7404 6609) and can provide advice as necessary.

## **11.0 REVIEW OF THE POLICY**

- 11.1 This policy will be reviewed annually, and changes made to the policy as deemed appropriate following necessary consultation with interested parties.

Halton Borough Council Whistle Blowing Policy

Flow Chart



# ANTI-FRAUD, BRIBERY & CORRUPTION POLICY

## 1 Introduction

- 1.1 Halton Borough Council (the Council), has a duty to ensure that it safeguards the public money for which it is responsible. The Council expects the highest standards of conduct and integrity from all that have dealings with it, including employees, elected members, contractors, volunteers and the public.
- 1.2 The Council is committed to the elimination of fraud and corruption and to ensuring that all activities are conducted ethically, honestly and to the highest possible standard of openness and accountability so as to protect public safety and public money.

## 2 Policy Statement

- 2.1 The Council has a zero tolerance approach to fraud, bribery and corruption. This Policy outlines how the Council delivers an effective approach to managing the risk of fraud, bribery and corruption.
- 2.2 The aim of this Policy is to:
  - Help prevent fraud, bribery and corruption;
  - Promote early detection and ensure its effective investigation;
  - Apply sanctions were appropriate and
  - Ensure the recovery of any financial loss were possible.

## 3 Scope

- 3.1 The responsibility to control the risk of fraud, bribery and corruption occurring resides at all levels of the organisation.
- 3.2 This Policy applies to all employees and elected members. For the purpose of this Policy the term 'employee' refers to all full-time and part-time employees, temporary employees, agency workers, contractors and consultants.
- 3.3 This Policy should be read in conjunction with the Fraud Response Plan, Confidential Reporting Code (Whistleblowing Policy) and the Fraud Sanction and Prosecution Policy.

## 4 Definitions

- 4.1 The following definitions can be found at Appendix 1.
  - Fraud
  - Bribery
  - Corruption
  - Money Laundering

## **5 Aims & Objectives**

- 5.1 In ensuring that necessary steps are taken to ensure that the public's assets and interests are protected, the Council will:
- Actively seek out instances of fraudulent and corrupt practices and pursue the perpetrators to the full extent of the law;
  - Encourage people with concerns about potential fraud, bribery and corruption to inform the Council of their suspicions;
  - Treat complaints of potential fraud, bribery and corruption positively, fairly and equitably;
  - Regularly review its own procedures to ensure they offer effective protection of the Council's interests and reputation.
- 5.2 Delivery of these aims and objectives requires the establishment, communication and maintenance of:
- Top level commitment to prevent fraud, bribery and corruption;
  - An anti-fraud, bribery and corruption culture;
  - Supporting policies and strategies;
  - Proportionate procedures to prevent fraud, bribery and corruption;
  - Reporting and investigation arrangements;
  - Access to information and publicity;
  - Communication and awareness training.

## **6.0 CULTURE**

- 6.1 The prevention and detection of fraud, bribery and corruption and the protection of public money are responsibilities of everyone, both internal and external to the organisation. The Council's elected members and employees play an important role in creating and maintaining this culture. They are positively encouraged to raise concerns regarding fraud and corruption, immaterial of seniority, rank or status, in the knowledge that such concerns will, wherever possible, be treated in confidence. The public also has a role to play in this process and should inform the Council if they feel that fraud, bribery or corruption may have occurred.
- 6.2 The Council will ensure that any allegations received, including by anonymous letter or telephone call, will be taken seriously and investigated in an appropriate manner. The Council has a Confidential Reporting Code (Whistleblowing Policy) that sets out the approach to dealing with these types of allegation in more detail.
- 6.3 The Council will deal firmly with those who defraud or attempt to defraud the Council or who are corrupt, or where there has been financial malpractice. Any sanctions applied will be in compliance with the Council's Fraud Sanction and Prosecution Policy and or the Council's Disciplinary Policy.
- 6.4 When fraud or corruption has occurred due to a breakdown in the Council's systems or procedures, management will ensure that appropriate improvements in systems of control are implemented in order to prevent a recurrence.

## **7 Responsibilities**

- 7.1 All elected members, employees, consultants, contractors, service users and any other external partner organisations play a key role in the prevention and detection of fraud and corruption. They all have responsibility for ensuring they comply with the Council's policies, procedures and controls, which are intended to prevent and or identify fraud and corruption within the Council.
- 7.2 The Council expects all elected members, employees, consultants, contractors, service users and any other external and partner organisations to uphold the highest standards of integrity in their dealings for, and on behalf of the Council.
- 7.3 Key officers and service areas within the Council have specific responsibilities for the prevention, detection, and investigation of fraud and corruption. The responsibilities for the following officers and service areas can be found detailed at Appendix 2.

## **8. Reporting and Review**

- 8.1 An annual report providing an update on fraud and corruption matters will be presented to the Audit and Governance Board, which is responsible for monitoring and reviewing the adequacy of the Council's anti-fraud and corruption policies and arrangements.
- 8.2 This Policy forms part of the Council Constitution and is therefore subject to annual review. Any significant revisions will however be reviewed and endorsed by the Audit and Governance Board.

### Definitions

#### Fraud

Fraud can be broadly described as acting dishonestly with the intention of making a personal gain or a gain for another, or inflicting a loss (or a risk of loss) on another; this includes but is not limited to:

- Dishonestly making a false representation
- Dishonestly failing to disclose to another person, information which they are under a legal duty to disclose
- Committing fraud by abuse of position, including any offence as defined in the Fraud Act 2006.

#### Bribery

The Bribery Act 2010 defines bribery as ‘the inducement for an action which is illegal, unethical or a breach of trust. Inducements can take the form of gifts, loans, fees, rewards or other advantages whether monetary or otherwise’.

There are four key offences under the Bribery Act 2010:

- Offence of bribing another person
- Being bribed
- Bribery of foreign public officials
- Failure of commercial organisation to prevent bribery

Bribing another person; offences are committed where a person:

- Offers, promises or gives a financial, or other advantage to another person, and intends the advantage to induce a person to perform improperly a relevant function, or activity or to reward a person for the improper performance of such a function or activity or
- Offers, promises or gives a financial or other advantage to another person and knows or believes that the acceptance of the advantage would itself constitute the improper performance of a relevant function or activity

Being bribed; offences are committed where a person:

- Requests, agrees to receive or accepts a financial or other advantage intending that, in consequence, a relevant function or activity should be performed improperly
- Requests, agrees to receive or accepts a financial or other advantage and the request, agreement or acceptance itself constitutes the improper performance of the person of a relevant function or activity
- Requests, agrees to receive or accepts a financial or other advantage as a reward for the improper performance of a relevant function or activity; or

- In anticipation of or in consequence of the person requesting, agreeing to receive or accepting a financial or other advantage, a relevant function or activity is performed improperly

Bribery of foreign public officials; offences are committed where a person:

- Intends to influence a foreign official in their official capacity and intends to obtain or retain business or an advantage in the conduct of business; or
- Offers, promises or gives any financial or other advantage to a foreign public official

Failure of commercial organisation to prevent bribery; a relevant commercial organisation is guilty of an offence:

- If a person associated with the organisation bribes another person intending to obtain or retain business for the organisation or to obtain or retain an advantage in the conduct of business for the organisation and the organisation fails to take reasonable steps to implement adequate procedures to prevent such.

## **Corruption**

Corruption can be defined as the misuse of public power for private gain, by those in positions of power, such as Council officers or elected members.

Corruption can incorporate many types of dishonest behaviours including offering, giving, soliciting or accepting of an inducement or reward, which may influence the action of any person, and misuse of public assets.

## **Money Laundering**

Money laundering is the process by which criminally obtained money or other assets (criminal property) are exchanged for 'clean' money or other assets with no obvious link to their criminal origins. It also covers money, however come by, which is used to fund terrorism. Money laundering takes many forms including:

- Handling the proceeds of crimes such as theft, fraud and tax evasion;
- Handling stolen goods;
- Being knowingly involved in any way with criminal or terrorist property;
- Entering into arrangements to facilitate laundering criminal or terrorist property.

The Council is required to ensure that effective anti-money laundering controls and monitoring are in place to prevent the Council from being used for money laundering.

### **Responsibilities**

#### **Chief Executive**

The Chief Executive has overall responsibility for the operations and activities of the Council. This includes overall responsibility to ensure that the Council's arrangements in respect of fraud, bribery and corruption are adequate and effective.

#### **Audit and Governance Board**

The Audit and Governance Board is responsible for monitoring and reviewing the adequacy of the Council's anti-fraud, bribery and corruption arrangements.

#### **Strategic Directors**

Strategic Directors will establish and maintain sound internal control systems, procedures and records within their areas of responsibility. The system of internal control should be designed to respond to and manage the whole range of risks which the Council faces, including minimising the scope for fraud, bribery and corruption.

Strategic Directors should immediately inform Internal Audit if they become aware of, or suspect, any matter that may indicate fraud, bribery or corruption.

#### **Operational Director - Finance**

The Operational Director of Finance has a statutory responsibility under Section 151 of the Local Government Act 1972 to make sure that proper arrangements are made for the Council's affairs. As such, the Operational Director of Finance has the key role of ensuring that proper arrangements are in place in respect of fraud, bribery and corruption.

In accordance with the Accounts & Audit Regulations 2015, the Operational Director - Finance, as the Responsible Financial Officer, must determine the financial control system which includes measures to enable the prevention and detection of inaccuracies and fraud.

#### **Divisional Manager - Audit, Procurement and Operational Finance**

The Divisional Manager - Audit, Procurement and Operational Finance is delegated the role of Chief Audit Executive as defined in the Public Sector Internal Audit Standards. In accordance with this role, the post holder is responsible for reviewing how the Council manages fraud, bribery and corruption risks and ensuring that the potential for these to occur is evaluated.

The Divisional Manager - Audit, Procurement and Operational Finance is also responsible for establishing, maintaining, reviewing and monitoring the:

- Anti-Fraud, Bribery & Corruption Policy,
- Fraud, Bribery & Corruption Risk Assessment
- Fraud Response Plan
- Fraud Sanction and Prosecution Policy

The Divisional Manager - Audit, Procurement and Operational Finance will also advise the Audit and Governance Board on matters relating to fraud, bribery and corruption.

### **Investigations Team**

The Investigations Team will liaise with the Single Fraud Investigation Service (SFIS), managed by the Department for Works & Pensions, and ensure that any Housing Benefit fraud is reported to SFIS for investigation.

The Investigations Team is responsible for ensuring investigations are conducted into suspected fraud or irregularity. They will liaise with Chief Officers, the Monitoring Officer, Human Resources, Legal Services, employees, other agencies and the Police as appropriate.

The Investigations Team will plan, co-ordinate and report on the Council's participation in the National Fraud Initiative.

### **Internal Audit**

Internal Audit will assist in the detection and prevention of fraud, bribery and corruption by examining and evaluating the effectiveness of controls in line with the annual Internal Audit Plan.

Internal Audit will assist the Investigations Team in conducting investigations where appropriate.

### **Managers**

Managers are responsible for assessing risks to their service area and ensuring that an adequate system of internal control is effectively maintained to mitigate all risks, including minimising the scope for fraud, bribery and corruption.

Managers are responsible for ensuring all employees in their service area adhere to this Policy and all associated policies and procedures and have undertaken all relevant training.

Managers have a responsibility to ensure that all suspected irregularity is reported to Internal Audit in a timely manner.

### **Employees and Elected Members**

Employees and elected members are responsible for complying with this Policy and all associated policies and procedures, and for reporting any suspected irregularities, corruption and money laundering to an appropriate person as detailed in the Council's Confidential Reporting Code (Whistleblowing Policy).

# 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 Anti-Fraud, Bribery & Corruption Policy outlines the principles the Council is committed to in relation to preventing, reporting and managing fraud and corruption.
- 1.3 The 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 Plan is one of a suite of documents that collectively constitute the policies of the Council in relation to anti-fraud and anti-corruption. The other key documents include:
  - Anti-Fraud, Bribery & Corruption Policy
  - Local Code of Corporate Governance
  - Finance Standing Orders
  - Procurement Standing Orders
  - Member Code of Conduct
  - Employee Code of Conduct
  - Confidential Reporting Code (Whistleblowing Policy)
  - Fraud Sanction and Prosecution Policy

## 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:

*Acting dishonestly with the intention of making a personal gain or a gain for another, or inflicting a loss (or a risk of loss) on another; this includes but is not limited to:*

- *Dishonestly making a false representation*
- *Dishonestly failing to disclose to another person, information which they are under a legal duty to disclose*
- *Committing fraud by abuse of position, including any offence as defined in the Fraud Act 2006.*

**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

Where individuals or organisations fraudulently obtain money or a financial gain from the Council, (e.g. insurance claims, Council Tax Single Person Discounts)

Asset issues

Where Council assets are misappropriated or used for personal use (e.g. theft of Council equipment, information or materials)

Accounting issues

Where employees falsify or alter accounting or other records (e.g. unauthorised amendment of financial records or timesheets)

Other issues

Activities undertaken by officers or elected members which may:

- Be unlawful;
- Contravene Standing Orders or Council policies,
- Fall below established standards or practices, or amount to improper conduct.

2.3 This is not an exhaustive list. Advice regarding the seriousness of any concerns can be obtained from the Divisional Manager – Audit, Procurement & Operational Finance.

### **3. Reporting suspected fraud and corruption**

3.1 Any officer shall immediately report to the Divisional Manager – Audit, Procurement & Operational Finance, either directly or through line management, or via the Council's Confidential Reporting Code, any circumstances which suggest the possibility of financial irregularity or loss. The circumstances will be reviewed and the necessary action will be taken by way of investigation, report, sanction and recovery.

3.2 The Council's Confidential Reporting Code 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, consultants. 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:

- Operational Director and Monitoring Officer (Legal and Democratic Services);
- Strategic Director – Enterprise, Community & Resources
- Divisional Manager – Audit, Procurement & Operational Finance

- 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).

#### **4. Investigating suspected fraud and corruption**

- 4.1 The Single Fraud Investigation Service of the DWP investigates and prosecutes Social Security welfare benefits and tax credit fraud. As a result, the Council will only complete investigation of Housing Benefit fraud when there are joint working arrangements agreed between the DWP and the Council.
- 4.2 For non-benefit related matters, the decision as to whether or not an investigation is warranted will be made by the Divisional Manager – Audit, Procurement and Operational Finance.
- 4.3 The action taken by the Council will depend on the nature of the concern. The matter raised may be investigated internally or referred directly to the Police.
- 4.4 All internal investigations will normally be led by the Audit and Investigations Team, and 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;
  - Assist with the prosecution and sanction of offenders;
  - 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 (Legal and Democratic Services), Insurance Manager, the Police or other relevant agencies as required;
  - Assist management in implementing the Council's disciplinary procedures;

- Advise and assist 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 Divisional Manager – Audit, Procurement and Operational Finance to determine how the matter should be progressed to a resolution. Dependent upon the circumstances of the case this decision may be taken in conjunction with the Strategic Director – Enterprise, Community & Resources, Operational Director (Legal and Democratic Services), Operational Director – Finance or the Chief Executive.

## **5. Recovery and Sanctions**

5.1 Where an investigation indicates fraud or corruption, the Council will use the full range of sanctions available to it, including criminal prosecution, civil recovery, internal discipline and referral to other law enforcement agencies and professional bodies in order to deter fraud, bribery and any other associated offences.

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**

The Fraud Response Plan will be reviewed and updated as required to reflect new legislative requirements, professional developments and any other relevant matters.

# FRAUD SANCTION AND PROSECUTION POLICY

## 1. Policy Statement

- 1.1 Halton Borough Council (the Council) will use the full range of sanctions available to it in order to deter fraud, bribery and any other associated offences. These sanctions may include criminal prosecution, civil recovery, internal discipline and referral to professional bodies. The Council will utilise its own Legal Services or agent solicitors and the Crown Prosecution Service to conduct prosecutions where appropriate. The Council will refer matters to the police and other law enforcement agencies or regulators where appropriate and support those agencies in bringing proceedings.

## 2. Introduction

- 2.1 The Council's Anti-Fraud, Bribery and Corruption Policy sets out the Council's aims and objectives with regard to tackling fraud and associated offences. The Council will seek the strongest possible sanction against any individual or organisation that defrauds, or seeks to defraud the Council. The use of sanctions will be governed by this policy and the principles of the policy shall apply equally to any fraud against the Council or against funds for which the Council has responsibility.

- 2.2 The objectives of this policy are:

- To ensure that the Council applies a full range of sanctions in a just and consistent manner;
- To ensure that sanctions are applied in an effective and cost efficient manner;
- To ensure that the sanction decision making process is stringent, robust and transparent.

- 2.3 This policy provides a framework to ensure the most appropriate resolution to a case is reached. The sanction decision will have regard at all times to the Council's Anti-Fraud, Bribery and Corruption Policy objectives, the individual circumstances of each person concerned and the overall impact of the sanction to both the individual and the community.

- 2.4 A range of sanctions are available to the Council. These include disciplinary action, civil recovery action, criminal proceedings and civil penalties. In appropriate cases the Council may take more than one form of action. For example, if an employee defrauds the Council, disciplinary action, prosecution and civil recovery action may all be taken.

- 2.5 When considering a case for prosecution it is generally accepted that there are two "tests" to be applied – the evidential test and the public interest test. These are currently set out in the Code for Crown Prosecutors 2013. The Evidential Stage test must be considered prior to the Public Interest Stage.

### **3. Evidential Stage Test**

- 3.1 Investigators and prosecutors must be satisfied that there is sufficient evidence to provide a realistic prospect of conviction against each suspect on each charge. They must consider what the defence case may be, and how it is likely to affect the prospects of conviction. A case which does not pass the evidential stage must not proceed, no matter how serious or sensitive it may be. The evidence must be acquired in a form which can be used by the court and be admissible and there must be enough evidence to form a realistic prospect of conviction.
- 3.2 In order to ensure that a “realistic prospect of conviction” exists, Investigation Officers will at all times ensure that investigations are conducted in accordance with all relevant legislation and Codes of Practice with regard to evidence gathering, interviewing and rules of disclosure.
- 3.3 The evidence gathered will be examined in the first instance by the investigator and their manager. When both are satisfied that sufficient evidence exists to successfully prosecute and that the Public Interest Stage is also satisfied the case file will be passed on to either the Council’s Legal Services, agent solicitors, or the Crown Prosecution Service. All prosecutors will then apply their own inspection of the evidence to ensure that both tests are met. Alternatively the case file may be passed to the police, other law enforcement agencies or regulators if appropriate.

### **4. Public Interest Test**

- 4.1 A prosecution will usually take place unless the prosecutor is sure that public interest factors tending against prosecution outweigh those tending in favour. The more serious the offence or the offender’s record of criminal behaviour, the more likely it is that a prosecution will be required in the public interest. Aggravating and mitigating factors will be taken into consideration when deciding on the appropriate sanction as set out in the Code for Crown Prosecutors.

### **5. Sanctions Available**

- 5.1 Legislation enables the Council to apply formal sanctions where appropriate these include:
- Imposing a financial penalty where a person has supplied incorrect information or failed to notify the Council of a change of circumstances.
  - Offering a financial penalty as an alternative to a prosecution, or
  - Instigating prosecution proceedings.

The Council will only apply a formal sanction where permitted by certain legislation. Cases may however be referred to the police or other law enforcement agencies

for investigation. This may subsequently result in referral to the Crown Prosecution Service or other prosecutor.

## 5.2 **Penalty as Alternative to Prosecution**

5.2.1 A financial penalty can be offered as an alternative to prosecution. This will be offered usually in circumstances not deemed serious enough for prosecution and where the evidence indicates that:

- It was a first offence, or
- There was no planning involved, or
- There was no other person involved, and
- The person's circumstances and demeanour towards the offence indicates that a financial penalty would be the most appropriate action.

5.2.2 In these circumstances the Council may make an offer of a financial penalty as an alternative to prosecution in addition to requiring full repayment of the overpayment. However, there must be sufficient evidence to justify a prosecution. An individual does not have to admit an offence has been committed for a financial penalty to be offered as an alternative to prosecution. If a person refuses the offer of a financial penalty as an alternative to prosecution the case will be recommended for prosecution. The decision to issue a financial penalty as an alternative to prosecution, where permitted by certain legislation, will lay with the Divisional Manager – Audit, Procurement & Operational Finance.

## 5.3 **Financial penalty**

5.3.1 A financial penalty is a penalty that can be imposed where a person has negligently supplied incorrect information or failed to supply information that affects the amount of council tax support paid or council tax billed. An individual does not have to admit an offence has been committed for a Financial Penalty to be applied.

5.3.2 The decision to issue a financial penalty, where permitted by certain legislation, will lay with the Divisional Manager – Audit, Procurement & Operational Finance.

## 5.4 **Prosecution**

5.4.1 Prosecution proceedings will usually be instigated only after the evidential and public interest tests are satisfied as detailed in the Code for Crown Prosecutors.

5.4.2 Prosecution will be considered where:

- It was not a first offence, or
- The fraud has been deliberate and calculated, or
- The fraud had continued over a long period; or
- The person has failed to attend an interview under caution; or

- There were other persons involved in the fraud, or
- The person has declined the offer of a Financial Penalty or withdrawn agreement to pay a Financial Penalty.

5.4.3 The Council recognises that prosecution is a serious step to take and the decision to refer cases for prosecution will not be taken lightly. The ultimate decision on prosecution will be taken by the prosecuting body. In some cases this will be the Council, through the Council's Legal Services or agent solicitors, and in others the Crown Prosecution Service. The decision to refer cases to a prosecuting body will be taken by the Operational Director – Finance, the Strategic Director – Enterprise, Community and Resources or the Chief Executive.

## 5.5 Referrals to police, other law enforcement agencies or regulators

5.5.1 Referrals to police, other law enforcement agencies or regulators may occur in cases of staff fraud or the fraud is complex and/or of a serious nature. The decision to refer cases to the police or other agencies for investigation will be taken by the Operational Director – Finance, the Strategic Director – Enterprise, Community and Resources or the Chief Executive.

## 6. Publicity

6.1 It is the Council's intention to positively promote this policy as well as the outcome of any prosecutions, which will deter others from fraudulent activity.

## 7. Reporting and Review

7.1 An annual report on fraud and corruption matters will be produced for the Business Efficiency Board. This will provide a summary of actions taken under this Policy.

7.2 The Policy will be subject to periodic review and approval by the Audit and Governance Board, which is responsible for monitoring and reviewing the adequacy of the Council's anti-fraud and corruption policies and arrangements.

## 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. The scheme came into effect from 1 April 2019 and will continue in force for three years.

#### 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:

**£9,011 per annum** (as at 1 April 2020\*)

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:

Position	Limitations	SRA (as at 1 April 2020*)
Leader		£23,235
Deputy Leader	To a maximum of 68% of the Leader's SRA	£15,800
Executive Board Members	To a maximum of 56% of the Leader's SRA	£13,012
Chairs – Boards & Committees	To a maximum of 33% of the Leader's SRA	£7,739
Vice Chairs – Boards & Committees	50% of the Chair's SRA	£3,869
Leader of Principal Opposition (can be split equally if there is parity in the Opposition Groups)	Equal to that of the Chair's SRA	£7,739
Scrutiny Co-Ordinator	Equal to that of the Chair's SRA	£7,739

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.)

\*Figures are subject to change in line with the employee cost of living rise (see item 7 below).

### **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 – Enterprise, Community and Resources. The allowance is payable to any Member who incurs expenditure in respect of child or dependent 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	Dinner
£6.45	£8.65	£17.35

## **Overnight Accommodation**

Outside London	£100.52 per night
Inside London	£126.90 per night

The Strategic Director –Enterprise, Community and Resources may authorise reimbursement 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.

### **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).

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 – Enterprise, Community and Resources.

The Strategic Director – Enterprise, Community and Resources may make an advance to a Member in respect of the likely costs of travel and subsistence where he/she 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**

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.

The allowances in this scheme shall be increased 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.

## **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 Subsistence 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 – Enterprise, Community and Resources.

## **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 – Enterprise, Community and Resources.

## **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.

For the avoidance of doubt, allowances may be paid for Co-opted Members of the Transport Committee (Merseytravel Committee) and its Sub-committees of the Liverpool City Region Combined Authority, and will be dealt with in accordance with the Merseyside Integrated Transport Authority Scheme.

## **13. Time limit for Claims**

Claims for the following allowances:

(a) Child Care and Dependent 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 – Enterprise, Community and Resources shall have absolute discretion as to whether to pay the claim.

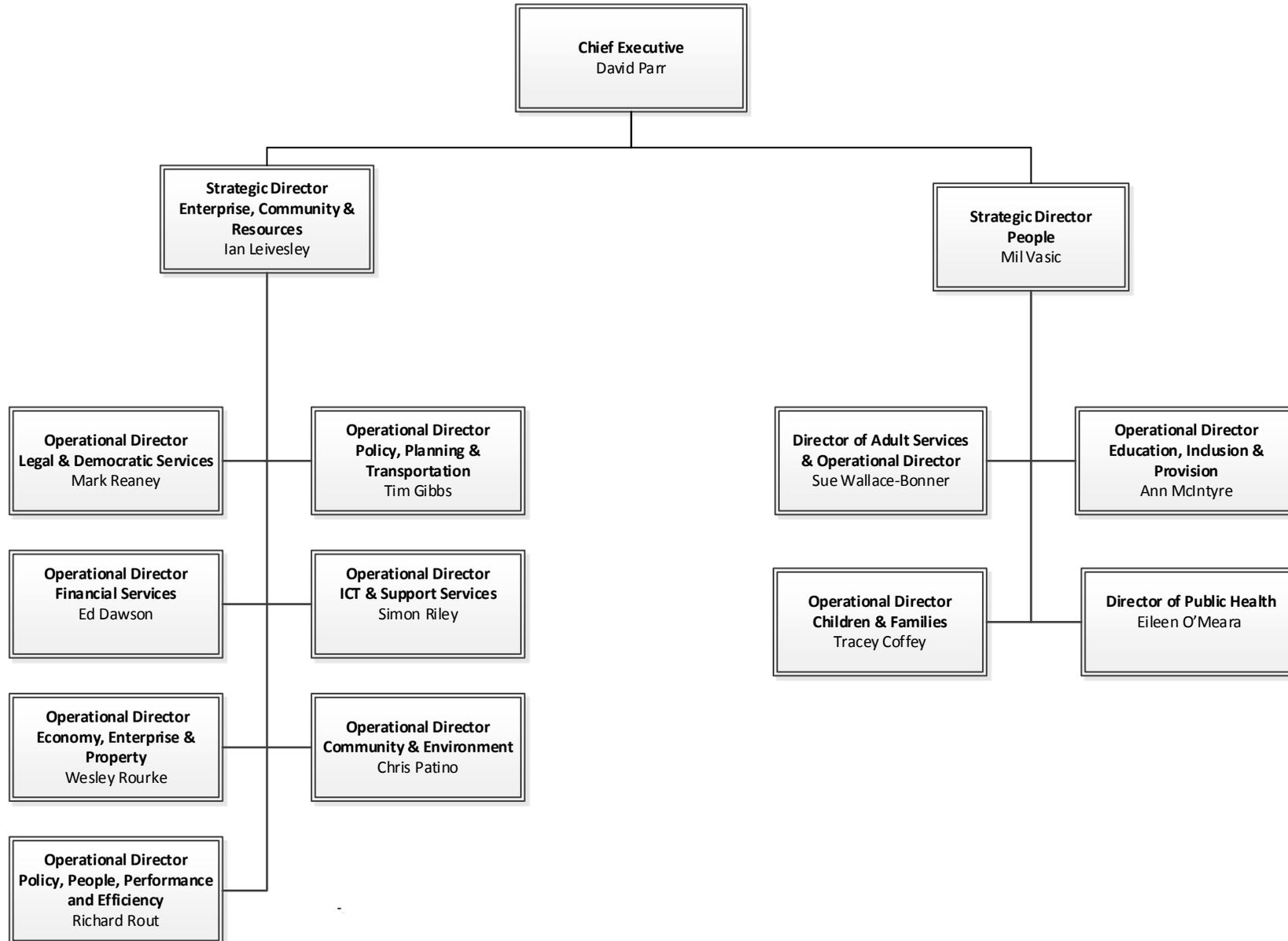
## **14. Approved Duties**

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 Members' attendance is organised, requested or arranged by the Council.
8. Meetings of Local Area Forum Projects.
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 – Senior Management Structure



## 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 Designated Scrutiny Officer 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 Chairs 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 Chairs 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 Designated Scrutiny Officer 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 Designated Scrutiny Officer 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 produce an annual report relating to the work of scrutiny.
11. 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 meetings to discuss the Local Area Forum Projects.
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 Directorate Business 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 the respective portfolio.
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 participate at Policy and Performance Board meetings as invited by the Chair by providing information, or responding to questions, in relation to decisions made by the Executive or work undertaken in a particular portfolio area.
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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#### **4. 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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#### **5. Role Profile – Chair of Policy and Performance Board**

**Name:** Councillor

**Position:** Chair 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 and help to expedite 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 Vice Chair 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 Vice 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 Vice 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 Chair 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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**6. Role Profile – Chair of Committee**

**Name: Councillor**

**Position: Chair 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 Chair 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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**7. Role Profile – Vice Chair of Policy and Performance Board**

**Name: Councillor**

**Position: Vice Chair of**

## **Role and Responsibilities**

1. To Support the Chair of the Board in carrying out their responsibilities as set out in the role profile of a Chair of a Policy and Performance Board.
2. In the absence of the Chair, to chair Board meetings and conduct its business.
3. To assist the Chair by managing attendance to ensure that meetings of the Board are quorate.
4. In conjunction with the Chair 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 Lead 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 Chair with the selection of items for future scrutiny and developing a timetable for the review of those items.
8. To use the position of Vice Chair 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 Chair may allocate.
10. To carry out the duties identified in the role profile for Councillors.

## 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 Roll are notified in advance by poll card.

Citizens can register at their own address throughout the year.

*For further information regarding the Electoral Roll please contact the Electoral Registration Officer on 0151 511 7802.*

\* This date may be adjusted according to the timings of General or other Elections

#### 2. **Contact Local Councillors**

Members are available by phone

At Members' Surgeries

By E-mail using the following convention

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 Member Services on 0151 511 8380.*

#### 3. **Inspect or obtain a copy of the Constitution**

Copies are available at the Municipal Building, Kingsway, Widnes 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. A copy is also available on the Council's web site.

#### 4. **Attend meetings of Council etc.**

For details of meetings contact the Committee Services Section on 0151 511 8670.

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 Halton Lea Library Runcorn, or Halton Direct Link 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.

Attendees should be aware that members of the press and public who are present during the public part of a meeting, have the right to film, audio-record, take photographs and use social media (such as tweeting and blogging) to report proceedings of meetings.

#### **5. Petition to request a referendum on a Mayoral form of Executive**

Citizens 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 Chair 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 on 0151 511 8670.

#### **7. Speak on planning applications**

Public speaking on planning applications has also been introduced at the Development Management Committee (see Appendix 6).

#### **8. Find out from the 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 a key decision.

**9. 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 on 0151 511 8670.

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.

**10. 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.

**11. 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.

**12. 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

### **13. 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:-

Enterprise, Community and Resources 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 a 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. The decision whether to allow access to a document is ultimately one to be taken by the Audit and Governance Committee. 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 Audit and Governance Committee 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.
- 3.8 For the avoidance of doubt, Councillors who are not Members of a particular Committee/Sub-Committee/Board have no automatic right to remain in a meeting of a Committee/Sub-Committee/Board once a resolution has been passed under Section 100 (A) (4) of the Local Government Act 1972 excluding the press and public from the meeting. A Councillor would only be entitled to remain in the meeting if he or she had been able to establish a "need to know" as described above to the satisfaction of the Committee/Sub-Committee/Board. In these circumstances, a Councillor who is not a Member of the Committee/Sub-Committee/Board wishing to remain in a meeting following a passing of the appropriate resolution shall demonstrate the "need to know" on a report by report basis to the Chief Executive no later than the day preceding the meeting or as soon as possible. The Chief Executive will then consult the relevant Chair. This will enable due consideration to be given to the request in order that appropriate advice may be given to the Committee/Sub-Committee/Board to assist them in making the decision.

#### **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 and 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 BOARD, POLICY AND PERFORMANCE BOARDS, COMMITTEES, FORUMS AND PANELS**

1. Council
2. Executive Board and the Health and Wellbeing Board
3. Corporate Services Policy and Performance Board
4. Health Policy and Performance Board
5. Environment and Urban Renewal Policy and Performance Board
6. Employment, Learning and Skills and Community Policy & Performance Board
7. Children, Young People and Families Policy & Performance Board
8. Safer Policy and Performance Board
9. Policy & Performance Boards (Criteria for all Boards)
10. Audit and Governance Board
11. Development Management Committee
12. Appeals Panel
13. Appointments Committee
14. Mayoral Committee
15. Schools Forum
16. Regulatory Committee
17. Independent Persons Panel

## **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 Sustainable Community Strategy 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 make decisions on applications to register land as a Village Green under the Commons Act 2006 (and its predecessor the Commons Registration Act 1965).
17. To apply to change the name of the area, or confer the title of Honorary Alderman or Freeman of the Borough.

## SERVICE PROVISION

18. To institute new services and discontinue or alter existing services.
19. 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.
20. To exercise the Council's powers and duties in relation to Halton Transport.
21. Determining schemes for local lotteries.
22. To be responsible for admission to maintained schools of which the authority are the admissions authority.

## FINANCIAL

23. 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).
24. To maximise opportunities for securing external funding.
25. Approve capital programmes and revenue estimates.
26. Setting Council Tax and tax bases.
27. To approve the Authority's Prudential Indicators.

## CONSTITUTIONAL

28. To adopt the Constitution and to make and agree Standing Orders and agree amendments when appropriate.
29. To appoint eligible persons for the position of Mayor/Deputy Mayor [upon recommendation from the Mayoral Committee].
30. Appointing the Leader, Policy and Performance Boards, Quasi-Judicial Committees, Development Control Committee, Regulatory Committee, Business Efficiency Board, Standards Committee and Appointments Committee.
31. Appointing to other bodies where only the Council can make the appointment.
32. To appoint Members to sit on external bodies on recommendation from the Executive Board.
33. To consider any strategic plan or policy referred to full Council by the Executive Board.
34. To approve the principles of agency arrangements.

35. Making and amending bye-laws.
36. Promoting or opposing new legislation.
37. To receive an 'Annual State of the Borough' speech by the Leader of the Council.
38. Determining the scheme and amounts of Members' allowances.

#### PLANS

39. To be responsible for the approval of the following plans:
  - (a) Sustainable Community Strategy
  - (b) Corporate Plan
  - (c) Organisational Development Strategy
  - (d) Health and Wellbeing Strategy
  - (e) Children and Young People Plan
  - (f) Documents that comprise the Development Plan (for Town Planning) (subject to paragraph 40 below)
  - (g) Local Transport Plan
  - (h) Directorate Business Plans
  - (i) Housing Strategy
  - (j) Medium Term Financial Strategy
  - (k) Efficiency Programme
  - (l) Single Equality Framework
  - (m) Contaminated Land Strategy
  - (n) Licensing Authority Policy Statement
40. With respect to Development Plan documents, the Executive Board shall exercise all the Functions of the Council other than:-
  - The approval, for the purposes of its submission to the secretary of State for independent examination under Section 20 (independent examination) of the Planning and Compulsory Purchase Act 2004, of a development plan document; and
  - The adoption (with or without modification) of a development plan document.

#### REPORTING

41. Considering the Head of Paid Service's report in accordance with Section 4 of the Local Government and Housing Act 1989.
42. Considering the Monitoring Officer's report in accordance with Section 5 of the Local Government and Housing Act 1989.
43. To approve any draft plans and strategies which require ministerial approval.

44. Considering the Financial Officer's report in accordance with Section 115 of the Local Government and Finance Act 1988.
45. Considering External Auditor's Public Interest Report.
46. Considering and if appropriate approving, a code of conduct as recommended by the Standards Committee.
47. Considering Reports on Investigations by the Local Government Ombudsman.

#### STAFFING

48. To appoint the Chief Executive on recommendation from the Appointments Committee
49. To approve the dismissal of the Chief Executive (Head of Paid Service), Chief Finance Officer or Monitoring Officer.

## **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 receive and respond to external audit reports.

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. Except with respect to a development plan document, where a function or action includes preparation of a strategic plan, to draft such a plan for submission to full Council. With respect to development plan documents the Executive Board shall exercise all Functions of the Council which are not reserved to the Council under this Constitution.
18. To amend, modify or vary any plan outlined in paragraph 39 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 be responsible for implementing and monitoring the Council's Single Equality Framework and compliance with the Equalities Act and Public Sector Equality Duty.
25. To have responsibility for corporate policy in relation to industrial relations within the Council.
26. To consider any matters referred to Executive Board by any Strategic Director.

## **POWERS AND DUTIES OF THE HEALTH AND WELLBEING BOARD**

### **Principle Responsibilities**

1. To be responsible for guiding and overseeing the implementation of the ambitions outlined in the Health White Paper "Equity and Excellence- Liberating the NHS." "And Healthy Lives, Healthy People" the health strategy for England
2. To promote sound joint commissioning arrangements and integrated provision between health, public health and social care.
3. To assess the needs of the local population and lead the Statutory Joint Strategic Needs Assessment.
4. To promote integration and partnership across areas including through promoting joined up commissioning plans across the NHS, Social Care and Public Health.
5. To work with the Children's Trust to ensure that the Children's Services commissioning is embedded into the role of the Health and Wellbeing Board and effective relationships established between the two Boards.
6. To support strategic planning and joint commissioning and publish a Joint Health and Wellbeing Strategy
7. To contribute to the developments of Health and Wellbeing Services in Halton which may arise as a result of changes in Government Policy and relevant legislation.
8. To respond and contribute to developments in wider partnership arrangements in Halton in addition to the Consortias that contribute to health and wellbeing and the wider detriments of health.

## **Other Responsibilities**

1. To give strategic direction to relevant Commissioning Activity.
2. To oversee the work of Joint Commissioning Groups.
3. To liaise, where relevant, with the CCG and wider strategic footprints regarding commissioning direction.
4. To develop and monitor relevant activity and performance.
5. To ensure that Health Inequalities and the priority measures are addressed by the Joint Commissioning Group.
6. To ensure that Halton's health priorities (as defined by the JSNA, SCS and relevant health targets) are addressed by Joint Commissioning Groups.
7. To ensure that Joint Commissioning Groups work effectively with other Strategic Partnerships to address cross-cutting areas of work e.g. alcohol to ensure an holistic approach.
8. To encourage access for service users and patients through closer working arrangements and in particular to address issues in relation to disadvantaged groups.
9. To engage with relevant providers when necessary to gather requirements around need.
10. To effectively monitor and review the progress of programmes designed to impact on key targets.
11. To ensure dissemination of learning as a result of good practice.
12. To disseminate and share strategies and action plans in order to facilitate partnership working
13. To maintain appropriate linkages with other partnership boards including those relating to Adults and Children's Safeguarding.

## **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 Plan
- Sustainable Community Strategy
- Equality and Diversity
- Communication (internal and external) and Marketing
- Policy and Approach to Locality Working
- Community Development and Capacity Building
- Sustainability and Climate Change
- Customer Care/Customer Relations
- Strategic Partnership Overview

## **Functions**

- Policy and Performance
- Financial Services
- Legal and Democratic Services
- Property Services
- HDL
- ICT Services
- Admin Services
- Organisational Development/Personnel
- Halton Stadium
- Civic Catering
- Registrars

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 Portfolio Holder, or an officer acting under delegated powers);
  - ix. receive the minutes of the Member Services Development Group.
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 monitor the Authority's Prudential Indicators.
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.

#### **4. POWERS AND DUTIES OF THE HEALTH 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 health functions
- To oversee Health aspects of the Sustainable Community Strategy and Corporate Plan
- Housing Operational (including Homelessness, liaison with RSL's, private sector groups, gypsies/travellers)

## 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 function in relation to health scrutiny
- To discharge the functions of the Council under section 244 of the National Health Service Act 2006 as amended and any Regulations made thereunder
- 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 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 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.

## **5. POWERS AND DUTIES OF THE ENVIRONMENT AND 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**

- Waste Management
- Waste Strategy
- All aspects of the Council's planning policies that comprise the Development Plan
- Economic Regeneration and Tourism Strategies
- Derelict/Contaminated Land Strategy
- Biodiversity Strategy
- Transportation Policies, e.g. Local Transport Plan
- Housing Strategic Policy Area renewal, availability, choice and mix
- Urban renewal aspects of the Sustainable Community Strategy and Corporate Plan
- Physical Environment including the powers and duties of Lead Local Flood Authorities

### **Functions**

- Highways and Transportation
- Logistics and Transport Management
- Landscape Services

- Parks and Countryside
- Business Development and Regional Affairs
- Environmental and Regulatory Services
- Cemeteries and Crematoria
- 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 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.

**6. POWERS AND DUTIES OF THE EMPLOYMENT, LEARNING AND SKILLS AND COMMUNITY 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
- Tackling worklessness and improving access to employment, eg skills preparation for work
- Employment, learning and skills aspects of the Sustainable Community Strategy and Corporate Plan
- Voluntary Sector

**Functions**

- Library Services
- Culture and Leisure Services
- Enterprise and Employment
- Adult Learning and Skills

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 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.

## **7. POWERS AND DUTIES OF THE CHILDREN YOUNG PEOPLE AND FAMILIES 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
- Children and Young People’s aspects of the Sustainable Community Strategy and Corporate Plan

### **Functions**

- All educational functions
- Schools
- Youth Provision
- Children’s Social Care
- 14-19 Years
- Children’s Centres and Extended Schools
- Youth Offending Team
- Children’s 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 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.

## **8. POWERS AND DUTIES OF THE SAFER 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 reduction
- Community Payback
- Alcohol Reduction Strategy
- ASB Reduction
- Emergency and Contingency Planning
- Domestic Violence Strategy
- Safer and Stronger aspects of the Sustainable Community Strategy and Corporate Plan

## 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
- Consumer Protection (including employees in the workplace) and Trading Standards
- Risk and Emergency Planning
- Environmental Health
- Drugs Strategy

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 and on any action taken or proposed to be taken by the Executive (or 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.

**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 39 of the matters reserved to the Council including the strategic policy framework of the Council.

## **10. POWERS AND DUTIES OF THE AUDIT AND GOVERNANCE BOARD**

### **Efficiency and Improvement**

1. To draw up an Efficiency Programme for the Authority ensuring that it meets its statutory requirements for securing Best Value and complies with the requirements placed upon it in relation to reporting efficiency gains.
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 Programme.
4. To monitor the Council's performance against the Efficiency Programme, particularly in relation to the identification and realisation of efficiency gains.
5. 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.
6. To monitor and review the Council's procurement arrangements.
7. To oversee the Council's preparations for any organisational assessment process.

### **Audit**

8. To approve, but not direct, internal audit's strategy, plan and monitor performance.
9. To review summary internal audit reports and the main issues arising, and seek assurance that action has been taken where necessary.
10. To consider the annual report of the Divisional Manager – Audit, Procurement and Operational Finance.
11. To consider the external auditor's annual letter and relevant reports.
12. To ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted.

### **Accounts**

13. To review and approve the annual statement of accounts.
14. To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

### **Governance**

15. To consider the Council's arrangements for corporate governance and agree necessary actions to ensure compliance with best practice.
16. To be satisfied that the authority's assurance statements, including the Annual Governance Statement, properly reflect the risk environment and any actions required to improve it.
17. To review and approve the Annual Governance Statement.
18. To ensure that the Council has effective processes in place to obtain value for money from its contractual arrangements with third parties.

### **Risk Management**

19. To review the adequacy of arrangements for identifying and managing the Council's business risks, including the Council's Risk Management Policy and its implementation.
20. To review the robustness of the Corporate Risk Register and the adequacy of the associated risk management arrangements.
21. To receive and consider regular reports on the risk environment and associated management action.

### **Anti-Fraud and Corruption arrangements**

22. To monitor and review the adequacy of the Council's anti-fraud and corruption policies and arrangements.

## **11. POWERS AND DUTIES OF THE DEVELOPMENT MANAGEMENT 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, the Planning and Compulsory Purchase Act 2004, the Planning Act 2008, Local Democracy, Economic Development and Construction Act 2009 and the Localism Act 2011. 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 implementing and monitoring the Council's Single Equality Framework and compliance with the Equalities Act and Public Sector Equality Duty.
3. To hear and determine appeals in relation to any disciplinary, grievance, dispute or re-grade processes (including appeals from teachers working in schools with or without a delegated budget) and any other appeals made in connection with employment issues with the exception of appeals relating to the job evaluation process, where this function is not discharged by the full Council.
4. To hear and determine all other appeals and decision review processes including the following appellate and decision review functions:-
  1. Housing Homelessness, Discretionary Housing Payment
  2. Contracts
  3. Assets of Community Value and Community Right to Bid
  4. Section 13A Council Tax Appeals

### **13. TERMS OF REFERENCE FOR THE APPOINTMENTS COMMITTEE**

1. To deal with Appointments, Disciplinary Matters and Dismissals relating to the Head of Paid Service, Strategic Directors, Operational Directors, and the Operational Director (Legal and Democratic Services) 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, Operational Directors, and the Operational Director (Legal and Democratic Services) 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).

### **14. POWERS AND DUTIES OF THE MAYORAL COMMITTEE**

1. To recommend to the Council the appointment of eligible persons for the position of Mayor/Deputy Mayor and the level of compensation applicable.
2. To advise the Council on any matters affecting Civic Affairs.
3. To support the Mayor and Deputy Mayor in ensuring the appropriate representation and Civic image of the Borough.
4. To consider any other relevant matters relating to the Mayoralty not delegated elsewhere within this Constitution.

### **15. TERMS OF REFERENCE FOR THE SCHOOLS FORUM**

1. Consultation on School Funding Formula
  - a) The Council shall consult the Forum on any proposed changes in relation to the factors and criteria that were taken into account, or the methods, principles and rules that have been adopted, in their formula made in accordance with regulations made under section 47 of the School Standards and Framework Act 1998, and the financial effect of any such change.
  - b) Consultation shall take place in sufficient time to allow the views expressed to be taken into account in the determination of the Council's formula and in

the initial determination of schools' budget shares before the beginning of the financial year.

2. Consultation on Contracts

The Council shall consult the Forum on the terms of any proposed contract for supplies or services being a contract paid or to be paid out of the Council's schools budget where the estimated value of the proposed contract is not less than the threshold which applies to the authority for that proposed contract pursuant to regulation 8 of the Public Contracts Regulations 2006.

3. Consultation on Financial Issues

The Council shall consult the Forum annually in respect of its functions relating to the schools budget, in connection with the following:

- a) the arrangements to be made for the education of pupils with special educational needs; 5
- b) arrangements for the use of pupil referral units and the education of children otherwise than at school;
- c) arrangements for early years provision;
- d) prospective revisions to the authority's scheme for the financing of schools; and
- e) administrative arrangements for the allocation of central government grants paid to schools via the authority.

4. Consultation on other matters

The Council may consult the Forum on such other matters concerning the funding of schools as they see fit.

The Forum shall also have the following powers:

- a) to agree to the level of school specific contingency at the beginning of each year;
- b) to agree arrangements for combining elements of the centrally retained Schools Budget with elements of other Council and other agencies' budgets to create a combined children's services budget in circumstances where there is a clear benefit for schools and pupils in doing so;
- c) **in exceptional circumstances only:**

to recommend changes to the Council's funding formula subject to approval by the Education and Skills Funding Agency.

## **16. TERMS OF REFERENCE FOR THE REGULATORY COMMITTEE**

### **16A 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.

### **16B 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.

1. To be responsible for implementing the Council's policies in connection with the grant, variation, suspension or revocation of licences, permits or consents, except as reserved by statute or regulations to the Council or Executive Board.
2. To decide upon individual applications relating to the grant, variation suspension or revocation of licences, permits, consents or registrations.
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.

### **16C 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 an application for a temporary event notice.
12. To determine applications to vary premises licences at community premises to include alternative licence condition.

**16D 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, or responsible authority.
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.
6. To cancel club gaming/club machine permits under Schedule 12 paragraph 28.

7. To determine whether to give a counter notice to a temporary use notice under Section 232.

### **16E Terms of Reference - Taxi Licensing Sub-Committee**

The following matters are delegated to the Taxi Licensing-Sub Committee (a Sub-Committee of the Regulatory Committee) Sitting as a panel comprising 3 Members (drawn from the full Regulatory Committee).

1. To determine all matters relating to the grant, renewal or review of a Hackney Carriage and / or Private Hire Driver's Licence where the powers of a delegated officer no longer apply.
2. To determine all matters relating to the grant, renewal or transfer of a Hackney Carriage and / or Private Hire Vehicle Licence where the powers of a delegated officer no longer apply.
3. To determine all matters relating to the grant or renewal of a Private Hire Operator Licence where the powers of a delegated officer no longer apply.
4. In circumstances where the Operational Director (Legal and Democratic Services) deems it relevant the determination of an application for the grant or renewal of a Private Hire Operators Licence may be referred directly to the full Regulatory Committee.

#### Other information

The Taxi Licensing Sub-Committee will sit on an ad hoc basis as agreed between the Operational Director (Legal and Democratic Services) and the Council's Committee Services and based on the availability of sufficient Regulatory Committee members and a suitable venue.

Only Committee Members who have undergone the relevant training will be able to sit and make determinations on the Taxi Licensing Sub-Committee.

### **17. TERMS OF REFERENCE FOR THE INDEPENDENT PERSONS PANEL**

1. To advise the Council on matters relating to the dismissal of officers designated as the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer.

Regulatory Committee Table 1  
(Jurisdiction other than within the Licensing Act 2003 and the Gambling Act 2005)

<b>Licence types etc.</b>	<b>What these licences etc. deal with</b>
Animal Boarding Establishments	Boarding establishments for dogs and cats require a licence under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
Animal Welfare	Animal Welfare Act 2006 (when regulations are made and brought into force)
Dangerous Wild Animals	The keeping dangerous wild animals requires a licence under the Dangerous wild Animals Act 1976
Dog Breeding	The keeping of breeding establishments for dogs requires a licence under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
Hawkers	In designated places a consent is required under section 30 Cheshire County Council Act 1980 for the following activities – 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 require the consent of the Council under the Hypnotism Act 1952
House to House Collections	Permits are required under the House to House Collections Act 1939 for 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.
Pet Shops	A licence is required for keeping a pet shop under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
Performing Animals	Exhibiting or training performing animals requires a licence under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
Riding Establishments	A Licence is required under Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 for the keeping horses for being let out on hire for riding or instruction in riding

Scrap Metal Dealers	A person carrying on business of scrap metal dealer is required to be licensed with the Council under the Scrap Metal Dealers Act 2013.
Sex Establishments	These require a licence under the Local Government (Miscellaneous Provisions) Act 1982. The term “sex establishment” includes sex entertainment venues, sex cinemas and sex shops.
Street Collections	Collecting money or selling articles for charitable or other purposes in any street or public place requires a permit under the Police, Factories, etc., (Miscellaneous Provisions) Act 1916
Street Trading	A street trading consent is required under the Local Government (Miscellaneous Provisions) Act 1982 for 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 is controlled by the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847
Zoos	Licensing of zoos under the Zoo Licensing Act 1981

**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 –Enterprise, Community & Resources, Strategic Director – People, and the Director of Public Health 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:-

**KEY**

SD-ECR	Strategic Director -	Enterprise, Community & Resources
SD-P	Strategic Director -	People
OD- ICT	Operational Director -	ICT and Support Services
OD-LD	Operational Director -	Legal and Democratic Services
OD-FS	Operational Director -	Finance
OD-PPT	Operational Director -	Policy, Planning and Transportation
OD - EEP	Operational Director -	Economy, Enterprise and Property
OD - PPPE	Operational Director -	Policy, People, Performance & Efficiency
D of PH	Director of Public Health	
OD-CE	Operational Director –	Community and Environment
OD-AS	Operational Director -	Adult Services
OD-CF	Operational Director -	Children and Family Services
OD-EAI	Operational Director -	Education, Access and Inclusion

## 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 Chair/Mayor of the Council where the Office of Chair/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 100(D)(5)	To determine which documents constitute background papers.	Chief Executive
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-FS
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- PPT

Section 210(6) and (7)	Responsibility for charity functions.	OD-FS
Section 225	Receipt of and retention of official documents.	OD-LD
Section 228	Arrangements for inspection of Minutes of Authority.	Chief Executive
Section 229(5)	Certification of photographic copies of documents in legal proceedings.	OD-LD
Section 234	Authentication of documents.	All Operational Directors
Section 236(9) and (10)	Sending copies of every byelaw made by the Borough Council to relevant Parish Councils.	OD-LD
Section 238	Certification of byelaws.	OD-LD
Section 248	To keep the roll of Freemen of the Borough.	Chief Executive
Section 249	Maintenance of Roll of Honorary Alderman.	Chief Executive
Schedule 12 para. 4(2)(b), and para 4(3)	Issue of summons to Members to attend Council meetings and receipt of notices regarding addresses.	Chief Executive
Schedule 14 para. 25(7)	To certify copy resolution of the Council as a true copy in connection with legal proceedings.	OD-LD
Schedule 29 para. 41	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-ECR

#### **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.	OD-LD
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**Local Democracy, Economic Development and Construction Act 2009**

Section 31	Statutory Scrutiny Officer	SD-ECR
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**Provision of the Highways Act 1980**

Sections 205 and 211	Private Street Works Code.	OD-PPT
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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- PPT
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	(a) Various purposes with regard to drainage, water supply, and sanitary accommodation.	OD- PPT
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	(b) Purposes relating to building control.	OD- PPT
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**Provisions of the Housing Act 1985**

Section 351	Authentication of copies of registration schemes in connection with legal proceedings.	OD-LD
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**Provisions of the Local Government and Housing Act 1989**

Section 2	Receipt of list of politically restricted posts.	OD-LD
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Section 4	Head of Paid Service.	Chief Executive
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Section 5	Monitoring Officer.	OD-LD
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
<b>Registration Service Act 1953</b>		
Section 13	Discharging the functions of the proper officer with regards to the local organisation of the registrars' service.	OD-CE
<b>Civil Partnership Act 2004</b>		
	Overall legal and operational responsibility for the delivery of civil partnership registrations and related issues.	OD-CE
<b>Environmental Protection Act 1990</b>		
Section 149	Discharging the functions in the section for dealing with stray dogs.	DoPH
<b>Flood and Water Management Act 2010</b>		
Schedule 2 Paragraph 54	To exercise the Council's Lead Local Flood Authorities functions	OD-PPT
<b>Education and Inspections Act 2006</b>		
Part 4	Exercising the statutory functions of the Council in identifying and intervening in schools causing concern where this is appropriate.	SD-P

**Housing Benefit and Council Tax Benefit Regulations 2001  
Discretionary Support Scheme, Discretionary Housing Payment and  
Discretionary Reduction in Liability**

SI no 2002 (amended)	To carry out a review of initial decision	SD-ECR (or nominee)
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**Local Government Finance Act 1988**

Section 44A	Discretionary Rate Relief – Partial Occupation	OD-FS
Section 47 to	Discretionary Rate Relief – Charitable Occupation and amended scheme	SD-ECR rec  Executive Board
Section 49	Discretionary Rate Relief – Hardship Relief	SD-ECR rec to Executive Board

**Local Government Finance Act 1992**

Section 13A	Discretionary Reduction in Liability	SD-ECR (or nominee)
Section 13A	To waive liability for Council Tax upon application Due to exceptional circumstances	OD-FS
Section 1A	Council Tax Reduction Schemes(Prescribed Requirements) (England) Regulations 2012	SD-ECR (or nominee)

**Anti-Social Behaviour, Crime and  
Policing Act 2014**

Part 4 Chapter 3	Closure of premises associated with nuisance or disorder	SD-ECR
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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:

1. 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.
2. 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.
3. 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.
4. In any case, where the Officer exercising the power considers that a new departure in policy (but not in practice) 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.
- 5.1 The Leader in consultation with the Chief Executive is authorised to amend the Terms of Reference of the Council, Executive Board, Policy and Performance Boards and related Committees (“the Scheme”) 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.
- 5.2 The authorisation in paragraph 5.1 above may be exercised either to change the Scheme generally or specifically in relation to a particular case or set of facts.
- 5.3 Where the authorisation in paragraph 5.1 is exercised a report shall be submitted to the next meeting of the Council.
6. 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.
7. References in this part of the Standing Orders to a particular piece of legislation shall extend to legislation that replaces or amends that legislation and to subordinate legislation relating to that legislation.
8. Where a delegated power may be exercised by a person other than the named person, it may be exercised in the name of that other person.

9. All delegations relating to Personnel matters will be exercised in consultation with the Divisional Manager, Policy, People, Performance and Efficiency or his delegated representative (including grievances and disciplinary matters)
10. The Chief Executive, in consultation where practicable with the Leader of the Council and the OD-FS and/or OD-LD as necessary, be authorised to take decisions on matters of urgency namely those that require a decision before the next formal meeting of Council, Executive Board or Committees as appropriate to the subject matter of the decision and any matters dealt with on this basis will be reported by the Chief Executive for information at the first practically available formal meeting after the taking of the decision, as decision requiring immediate action under this delegated power shall not be subject to call-in.
11. Where any matter is reserved for decision to the Council or to any Board, Committee, Sub-Committee, Panel, Forum or Working Party of the Council, the Chief Executive and each Strategic Director are authorised to make any arrangements they consider appropriate for the carrying out and determination of all matters preparatory to or incidental to any decision relating to such matter (including, by way of illustration only, the content and scheduling of any reports associated with such matter), and for the implementation of any decision which may be reached in respect of such matter.
12. It is common for legislation to deal with a range of matters which results in delegations to more than one person in these Standing Orders. This also happens when the same matter has different aspects; for example the decision to grant or refuse licences may be delegated to one person but the investigation of applications for licences and the enforcement of legislation may be delegated to another person. Except where specific matters are delegated under these Standing Orders to a specified person or persons, all persons who have been granted general delegated powers in relation to such matters may exercise such delegated powers.
13. Where more than one person is named in the following list as being authorised to exercise delegated powers, each person is so authorised independently of the other except where the context indicates otherwise (e.g by such qualifying words as "in consultation with").
14. Where a delegated matter may be exercised under a general or a specific delegation, an Officer may exercise the delegation under either the general delegation or the specific delegation or both.

**(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, but excepting decisions whether or not to register land as a common or village green. | OD-LD   |
| 2. To receive notices by Officers disclosing pecuniary interests in contracts and other matters in accordance with Section 117 Local Government Act 1972.  | OD-LD   |
| 3. To implement the Community Strategy.  | Chief Executive   |
| 4. To implement the Council's Corporate Plan.  | Chief Executive   |
| 5. To implement the Council's Communications and Marketing Strategy.   | OD-LD   |
| 6. To implement the Council's Regional Strategies.   | OD- PPT   |
| 7. To progress the Council's twinning activities.  | Principal Executive<br>Officer to Chief<br>Executive<br>OD- PPT                     |
| 8. To take all necessary administrative and operational steps to deliver the Council's Corporate Risk Management Strategy and Business Continuity Strategy.                                      | OD- PPT   |
| 9. To exercise voting rights on behalf of the Council where the Council is the shareholder of a company and to take action up to £250,000 which may be considered appropriate from time to time. | Chief Executive   |
| 10. 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   |
| 11. To act as authorising officer and issue authorisations under the Regulation of Investigations Powers Act 2000.   | Chief Executive and such<br>other Officers as s/he may<br>nominate for this purpose |
| 12. To implement the Council's Procurement Strategy.   | SD-ECR  |

13. To implement the Council's Accommodation Strategy.	SD-ECR in consultation with the Executive Board Member for Resources
14. To take steps to implement the Mersey Gateway Project	SD-ECR in consultation with the Executive Board Member for Transportation
15. To implement the Council's Equal Opportunities Policy.	All SD's
16. To implement the Council's Strategic Risk Management Strategy.	All SD's
17. To take such decisions as may be deemed necessary under Part 1 Chapter 3 of the Localism Act 2011 (Assets of Community Value)	OD-EEP
18. To take such decisions as may be necessary under Part 1 Chapter 2 of the Localism Act 2011 (Community Right to Challenge)	SD-ECR
19. 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.	OD-LD
20. To act as the Council's money laundering reporting officer	OD-LD (or the DM Audit, Procurement and Operational Finance & OD- FS in the OD-LD's absence).
21. To institute legal proceedings for the Council under the Proceeds of Crime Act 2002.	OD-LD (with the Trading Standards Officers/Consumer Protection Officers delegated as investigating officers).
22. To make decisions in relation to the public interest under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.	OD-LD

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| 23. To make appointments to fill casual vacancies and mid-year appointments in respect of outside bodies.                | Chief Executive in consultation with the Council Leader. |
| 24. To approve and amend the Publication Scheme under section 19 Freedom of Information Act 2000.                        | SD-ECR   |
| <i>25. DELETED</i>   |  |
| 26. To determine applications to use the Council's logo and/or coat of arms.   | OD-LD  |
| 27. To appropriate Council land from one local authority purpose to another under section 122 Local Government Act 1972. | SD-ECR   |

28. Regulation Of Investigatory Powers Act 2000

(RIPA) and Investigatory Powers Act 2016

28a RIPA Designated Persons involving employment of juveniles or vulnerable CHIS or the acquisition of confidential information

Chief Executive or in his absence SD– ECR;SD – P  
(Subject to the independence requirements of the ICCO Circular of 1 June 2015)

28b RIPA Designated Persons except in respect of 28a matters

Chief Executive  
Group Solicitors (Subject to the independence requirements of the ICCO Circular of 1 June 2015)

28C RIPA – Other positions

Senior Responsible Officer

RIPA Co-ordinator

OD – LD

Practice Co-ordinator, Legal Services

28d IPA Senior Responsible Officer  
IPA “made aware” Officers

D of PH  
Group Solicitors

**(Matters relating to Economic Development and  
Regeneration)**

29. To implement the Council’s Regeneration Strategy.

SD-ECR

30. To implement the Council’s involvement in its various Joint Venture Companies.

SD-ECR in consultation with the OD-LD

31. 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. All SD's

32. To approve payments made pursuant to aid programmes and to issue grants funded by any governmental agency whether regional or national. All SD's

**(Matters relating to Finance)**

33. 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 £2,000,000. OD-EEP

34. To exercise the powers, functions and duties of the Council, as Landlord in relation to applications for consent to assignments or under-lettings of premises. OD- EEP  
in conjunction with the  
OD-LD

35. To exercise the Council's powers and duties in respect of markets. OD-EEP

36. 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

37. 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-FS

38. To take decisions on applications under Section 44A Local Government Finance Act 1988 for adjustments to rates payable.	OD-FS
38a All actions with respect to awards of <ul style="list-style-type: none"> <li>• Discretionary Rate Relief under S49 LGFA (Hardship);</li> <li>• Discretionary Rate relief under S47 LGFA (when the applicant is <b>not</b> a CASC or registered charity or 'not for profit' organisation)</li> </ul>	OD-FS
39. To serve on the Valuation Officer Notices of Objection to any proposals for alteration to valuation list.	OD-FS
40. 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-FS
41. To pay sums due from the Council.	OD-FS
42. 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
43. To deal with all insurance matters, including the settlement of claims.	OD-FS
44. To arrange for the investment of any Council funds, subject to the requirements of the law.	OD-FS
45. To approve successful applications for business loans not exceeding £1m under the Council's Support for Small and Medium Enterprise Scheme.	OD-FS in consultation with the Portfolio Holder for Resources and the OD-EEP
45A To approve successful applications for business loans between £1m and £5m under the Council's Support for Small and Medium Enterprise Scheme.	Chief Executive in consultation with the Leader, the Portfolio Holder for Resources and the OD-FS and OD-EEP

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| 46. To take any action against any debtor which is considered appropriate in connection with the recovery of any debt owed to the Council. | OD-FS in consultation with the OD-LD   |
| 47. To deal with the Council's operating and financial leasing arrangements.   | OD-FS  |
| 48. To set the Minimum Revenue Provision repayment periods in consultation with the Resources Portfolio Holder.                            | OD-FS  |
| 49. To implement annual wage/salary increases in accordance with National Conditions.  | SD-ECR   |
| 50. DELETED  |  |
| 51. DELETED  |  |
| 52. To approve funding decisions in respect of Locality Area Forum Projects.   | Nominated Lead Officer in consultation with the Locality Area Forum's Ward Members |
| 53. DELETED  |  |
| 54. To make decisions on the payment of grants for social or community purposes  | Relevant SD in conjunction with Portfolio Holder                                   |

**(Matters relating to Personnel)**

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| 55. To advertise vacancies on the establishment in accordance with the existing grade of the post.    | OD-PPPE  |
| 56. To select, interview and appoint to all posts other than Strategic Director/Operational Director. | Relevant Divisional Manager In consultation with the OD/PPPE |
| 57. To select, interview and appoint Divisional Managers.   | Relevant OD in consultation with the OD/PPPE                 |
| 58. To authorise overtime working within approved budgets.  | Relevant Divisional Manager in consultation with the OD/PPPE |

59. To appoint temporary and casual workers within approved budgets.	Relevant Divisional Manager in consultation with the OD/PPPE
59A To engage an agency worker within approved budgets and after ensuring that the procured contract for the supply of agency workers is utilised for that engagement.	Relevant Divisional Manager in consultation with OD/PPPE and OD/FS
60. 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 OD/PPPE
61. To make decisions on applications for car purchase, loans or other arrangements approved by the Council.	OD-FS
62. 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 OD/PPPE
63. To grant additional or accelerated increments to employees within their existing grade as a result of appropriate examination success .	Operational Directors within their respective directorates in consultation with the OD/PPPE
64. To award honoraria under the Scheme of Conditions of Service within approved budget	Chief Executive / Strategic Directors within their respective directorates in consultation with the OD/PPPE
65. To exercise the functions of the Council in relation to the agreed grievance/disciplinary and appeals procedures.	Appropriate Divisional Managers in consultation with the OD/PPPE
66. To consider requests for voluntary redundancy 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 Executive Board Member for Resources, OD-FS and the OD/PPPE
67. 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 Resources and the OD/PPPE

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| 68. 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 Resources the Relevant SD/ OD/PPPE and OD -FS |
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**(Matters relating to Council Tax and Housing Benefit)**

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| 69. To determine and grant applications for Council Tax Reduction. | OD-FS |
| 70. To administer the Housing Benefit System.                      | OD-FS |

**(Matters relating to Housing)**

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| 71. To be responsible for housing nominations to Registered Social Landlords in accordance with the Council's Housing Allocations Policy.   | OD-AS   |
| 72. To determine applications for caravan site licences in accordance with the Council's policy.  | D of PH   |
| 73. 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-AS   |
| 74. To waive repayments of grant or to demand a reduced repayment if appropriate under relevant legislation.  | OD-AS in consultation with the relevant Executive Board Member and the OD-LD and OD- FS |
| 75. To implement the Council's duties relating to the homeless and the provision of housing advice under relevant legislation.  | OD-AS   |
| 76. 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-AS in conjunction with the OD-LD.  |

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| 77. 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.)   | D of PH in conjunction with the OD-LD  |
| 78. To exercise on behalf of the Council the powers of entry in Sections 54 and 395 of the Housing Act 1985.   | OD-AS                                  |
| 79. To exercise the Council's functions under the Housing Act 2004 Part 1 Chapter 3: Emergency Measures.   | D of PH                                |
| 80. To allocate pitches at Riverview Gypsy site and Halton Transient Site (Haddock's Wood) in accordance with the Council's policy.  | OD-AS                                  |
| 81. To take action to serve notice on unauthorised persons staying at Riverview Gypsy Site or at Halton Transient Site (Haddock's Wood) .  | OD-AS in conjunction with the OD-LD    |
| 82. To exercise the Council's powers to licence Houses in Multiple Occupation under the Housing Act 2004.  | D of PH                                |
| 83. The Housing Act 2004 Part 1 To serve notices under the provisions in connection with housing conditions and disrepair; to consider the carrying out of works in default; the execution of such works in default and the recovery of expenses incurred and interest accrued in executing such works | D of PH in conjunction with the OD- LD |

**(Matters relating to Culture and Leisure Services)**

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| 84. To manage and regulate the use of the Council's parks, 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-C&E |
| 85. To manage and regulate the use of the Council's play centres.   | OD-EAI |

86. To manage and regulate the use of public libraries. SD-ECR

87. 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-PPT

**(Matters relating to Planning and Transportation)**

88. To determine applications for an approval required by a development order or by a condition imposed on the grant of planning permission. OD- PPT

89. 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- PPT

90. To make Orders and confirm unopposed Orders under Section 198 of the Town & Country Planning Act, 1990 (Tree Preservation). OD- PPT

91. To determine applications for consent under regulations under Section 220 of the Town & Country Planning Act, 1990 (Advertisements) OD- PPT

92. At any time when Shared Service arrangements are not in place, to determine any matters under the Building Act, 1984, or any re-enactment thereof, or any Statutory Instruments, Regulations or Orders made there under 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.
93. To serve Notices under Section 330 of the Town & Country Planning Act 1990 and Section 16 Local Government ((Miscellaneous Provisions) Act 1976 (information as to interests in premises).
94. To determine variations to plans approved for the purposes of planning control.
95. To determine certain matters in relation to DPDs as follows:
- (i) SA/SEA (Strategic Environmental Assessment) Scoping Report;
  - (ii) Approval of public participation stage (or successor equivalent) documents for public consultation; and
  - (iii) SA/SEA Report to accompany public participation stage (or successor equivalent)
96. To exercise the functions of the Council as hazardous substances authority under the Hazardous Substances Act 1990.

OD- PPT

OD- PPT

OD- PPT

OD- PPT

OD- PPT

97. 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- PPT

98. 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: OD- PPT

- (a) is a notifiable application;
- (b) relates to matters directly impacting on a Member's Ward and the Member makes a written request (for planning purposes) and with the agreement of the Chair that the application should be presented to the Committee;
- (c) is submitted by or on behalf of a Member
- (d) is submitted by or on behalf of an employee of the Council who is directly involved in the planning process;
- (e) involves more than 10 residential units;
- (f) involves non-residential development exceeding 1,000 square metres of building floor space (measured externally).

PROVIDED THAT:

- (1) Exceptions (a), (e) and (f) shall not apply in respect of an application to extend the life of a planning permission or to vary any condition attached to a planning permission and exceptions (e) and (f) shall not apply to the refusal of such applications.
- (2) None of the above exceptions shall apply to non-material amendments under section 96A of the Principal Act.
- (3) Exceptions (b),(c) and (d) shall not apply to any application submitted under (Class A1(e)) of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended)
- (4) None of the above exceptions shall apply to the handling of appeals.
- (5) None of the above exceptions shall apply to the giving of pre-application advice.

99. To exercise the Council's enforcement powers	OD-PPT
100. To determine applications for approval of reserved matters.	OD- PPT
101. To give effect to Committee decisions to include conditions and reasons for refusal by drafting conditions, grounds of refusal, etc. consequent upon Committee decisions.	OD- PPT
102. To determine applications for grants for listed buildings.	OD- PPT
103. To take emergency action in respect of contraventions of Tree Preservation Orders and Listed Building Orders.	OD- PPT in consultation with the OD-LD
104. To issue and serve Enforcement Notices, Temporary Stop Notices, Stop Notices and Waste Land Notices in respect of Sections 172, 171E, 183 and 215 of the Town & Country Planning Act, 1990.	OD- PPT in consultation with the OD-LD.
105. To exercise the Council's powers under Article 4(2) of the Town and Country Planning (Development Management Procedure) Order 2010 (to require further details on an application for outline permission).	OD- PPT
106. To serve Notices under Section 54 of the Town & Country Planning (Listed Buildings & Conservation Areas, Act 1990 (urgent repairs to listed buildings).	OD- PPT in consultation with the OD-LD
107. To effect urgent preservation works on listed buildings.	OD- PPT
108. To serve Repairs Notices under Section 48 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990.	OD- PPT in consultation with the OD-LD
109. To serve Building Preservation Notices.	OD- PPT in consultation with the OD-LD

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| 110. 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                        |
| 111. To determine whether an environmental assessment is required for any planning application under the appropriate regulations.  | OD- PPT                                |
| 112. 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- PPT                                |
| 113. To exercise the following provisions of the Town & Country Planning Act 1990 as amended   | OD- PPT in consultation with the OD-LD |
| <ul style="list-style-type: none"> <li>• Section 171C (Planning Contravention Notices)</li> <li>• Section 173A (Withdrawal and Variation of Enforcement Notices)</li> <li>• Section 187A (Breach of Condition Notices)</li> <li>• Sections 191 to 194 (Certificates of Lawful Use or Development)</li> <li>• Section 196A and Section 196C(1) and (3) to (A) (Rights of Entry for Enforcement Purposes)</li> <li>• Section 196B (Obtaining Warrants for Rights of Entry)</li> <li>• Section 196C(2) (Prosecution of Persons Wilfully Obstructing Right of Entry)</li> <li>• Section 214B and Section 214D(1) and (2) (Rights of Entry in Connection with preservation of trees)</li> <li>• Section 214C (Obtaining Warrant for Rights of Entry in connection with preservation of trees).</li> </ul> |  |

114. To issue authorisations and to serve notices under Part 2A of the Environmental Protection Act 1990.	OD-PPT
115. 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.	OD-PPT
116. To determine all matters under the Planning Act 2008 relating to Nationally Significant Infrastructure Projects up to the stage of acceptance of applications under Section 55 of the Act.	OD-PPT
117. 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.	OD- PPT
118. To erect traffic warning and informative signs.	OD- PPT
119. To deal with dangerous trees on or abutting the highway.	OD- PPT
120. To deal with the dedication or transfer of land into the public highway.	OD- PPT in consultation with the OD-LD
121. To make minor amendments to parking schemes for redevelopment purposes.	OD- PPT in consultation with the OD-LD
122. To agree the adoption of roads and sewers.	OD- PPT in consultation with the OD-LD
123. 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- PPT

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| 124. To exercise the Council's powers and duties under the provisions of the following sections of the Local Government (Miscellaneous Provisions) Act 1976:-   | OD- PPT |
| <ul style="list-style-type: none"> <li>• Section 2 (Control of Scaffolding on Highways)</li> <li>• Section 8 (Power to take emergency action in relation to derelict buildings)</li> <li>• Section 25 (Control of dangerous excavations)</li> </ul> |         |
| 125. To exercise the powers and duties of the Council relating to the naming of streets and the allocation of house numbers   | OD- PPT |
| 126. 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- PPT |
| 127. To operate the provisions of the New Roads and Street Works Act 1991.  | OD- PPT |
| 128. To exercise the powers and duties of the Council under the Land Drainage Acts 1991 and 1994  | OD- PPT |
| 129. To exercise the powers and duties of the Council under the Flood and Water Management Act 2010   | OD-PPT  |
| 130. To exercise the powers and duties of the Council under the Water Industry Act 1991.  | OD- PPT |
| 131. 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- PPT |
| 132. To exercise the powers and duties of the Council under the Traffic Management Act 2004 in accordance with the policies of the Council.   | OD- PPT |
| 133. To exercise the powers and duties of the Council as Highways Authority, Traffic Authority, Street Authority and Street Works Authority.  | OD- PPT |

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| 134. To exercise the powers and duties of the Council under the Hedgerow Regulations 1997.  | OD- PPT                                    |
| 135. To exercise the powers and duties of the Council in connection with Common Land and Town/Village Greens.   | OD-LD                                      |
| 136. To determine any matters under the Reservoirs Act 1975.  | OD- PPT                                    |
| 137. To exercise the Council's powers and duties under Part III of the Wildlife and Countryside Act 1981 (Public Rights of Way).  | OD- PPT                                    |
| 138. 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- PPT                                    |
| 139 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-PPT                                     |
| <b>(Matters relating to Licensing, Environmental Health and Trading Standards)</b>  |  |
| 140. Be authorised to determine applications for licences, registrations consents and permits under all relevant Acts and Regulations.  | OD-LD                                      |
| 141. To exercise the powers, duties and functions of the Council in connection with the Local Government (Miscellaneous Provisions) Act 1982 and associated Council bye-law in relation to the practice of Tattooing, Body Piercing, Acupuncture, semi-permanent make-up and or Electrolysis  | D of PH                                    |
| 142. 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).   | D of PH /All Environmental Health Officers |

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| 143. To act as, and appoint other suitably qualified persons to act as the designated Proper Officers for the Public Health (Control of Diseases) Act 1984, the National Assistance Act 1948 and the National Assistance (Amendment) Act 1951.  | D of PH<br>and<br>Public Health<br>Consultants  |
| 144. To discharge the powers and duties of the Council under Sections 1 to 40 and 58 of the Clean Air Act 1993.   | D of PH   |
| 145. To exercise the powers and duties of the Council under the Public Health (Control of Disease) Act 1984 except Part III (Disposal of Dead Bodies)   | D of PH<br>and<br>Public Health<br>Consultants  |
| 146. 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) 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. | D of PH   |
| 147. To exercise the functions of the Council under Part 1 (Injunctions) of the Anti-Social Behaviour Crime and Policing Act 2014.  | SD-ECR  |
| 148. To exercise the functions of the Council under Part 4 Chapter 1 (Community Protection Notices) of the Anti-Social Behaviour Crime and Policing Act 2014.   | OD-C&E and<br>D of PH   |
| 149. To exercise the functions of the Council under Part 4 Chapter 2 (Public Spaces Protection Orders) of the Anti-Social Behaviour Crime and Policing Act 2014.  | OD-C&E and<br>D of PH<br>(in consultation with the<br>Portfolio holder for<br>Community Safety) |

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| 150. To exercise the functions of the Council under Part 4 Chapter 3 (Closure of Premises associated with nuisance or disorder etc), of the Anti-Social Behaviour Crime and Policing Act 2014 other than those reserved to the Chief Executive or person nominated by the Chief Executive.   | OD-C&E and<br>D of PH                            |
| 151. To exercise the following provisions:<br>The Environmental Protection Act 1990 (S80 and 81) as amended by the Noise and Statutory Nuisance Act 1993<br>The Noise Act 1996<br>The Shops Act 1950 (S71)<br>The Refuse Disposal (Amenity) Act 1978 (S2).<br>The Clean Neighbourhoods and Environment Act 2005 and to authorise appropriately qualified officers to exercise any of the powers granted under this legislation as may be appropriate for the purpose of enforcement and administration of the legislation. | D of PH  |
| 152. To exercise the Council's powers, functions and duties under sections 77,78 and 79 of The Clean Neighbourhoods and Environment Act 2005 and to authorise appropriately qualified officers to exercise any of the powers granted under this legislation for the purpose of enforcement and administration of the legislation.  | D of PH  |
| 153. To exercise the provisions of Sections 57, 91 and 92 of the Control of Pollution Act 1974.  | D of PH /All<br>Environmental<br>Health Officers |
| 154. To exercise the provisions of Sections 60, 61, 76, 79, 80, 82 & 93 of the Control of Pollution Act 1974.  | D of PH  |
| 155. To exercise the provisions of Sections 60(8), 61(5) & (10), 68, 69, 78, 80(7) and 93(3) of the Control of Pollution Act, 1974.  | D of PH<br>in consultation with the<br>OD-LD     |
| 156. To exercise the powers, duties and functions of the Council as waste collection and waste disposal authority, and a Principal Litter authority.   | OD – C&E   |
| 157. To exercise the powers and duties of the Council under the Refuse Disposal (Amenity) Act 1978.  | OD-C&E   |

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| 158. To exercise the provisions of Section 35 of the Local Government (Miscellaneous Provisions) Act 1976 (removal of obstructions from sewers).  | D of PH |
| 159. To serve notices under Section 20 of the Local Government (Miscellaneous Provisions) Act 1976 (provision of sanitary accommodation at places of public entertainment).   | D of PH |
| 160. 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.  | D of PH |
| 161. To serve notices/issue consents under Schedule 27 Water Act 1989 (Provision of Water Supply).  | D of PH |
| 162. To exercise the Council's powers and duties under the Private Water Regulations 2009   | D of PH |
| 163. 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.   | D of PH |
| 164. To appoint suitably qualified persons to carry into effect provisions of the Food Safety Act 1990, the Food Safety and Hygiene (England) Regulations 2013 (as amended), the Official Feed and Food Control (England) Regulations 2009, the Trade in Animals and Related Products Regulations 2011 and any provisions of regulations and orders having effect by virtue of the European Union (Withdrawal) Act 2018 in so far as those provisions relate to food and agriculture. | D of PH |
| 165. 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.   | D of PH |

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| 166. 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.   | D of PH                               |
| 167. 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.  | OD-LD                                 |
| 168. 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).  | D of PH                               |
| 169. To undertake the legal requirements in respect of the transfer of premises under the Health and Safety (Enforcing Authority) Regulations 1998.  | D of PH                               |
| 170. To investigate and deal with complaints for harassment, unlawful eviction and similar offences under the Protection from Eviction Act 1977  | D of PH in conjunction with the OD-LD |
| 171. 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. | SD –ECR/OD – PPT/<br>OD-LD/D of PH    |
| 172. To act as the appointed Officer for the purposes of S.149(1) of the Environmental Protection Act 1990.  | D of PH                               |
| 173. To act as authorised Officer for the purposes of S.149(2) of the Environmental Protection Act 1990.   | D of PH                               |
| 174. To exercise the Council's powers, functions and duties under the legislation listed in Appendix A to these Standing Orders.   | D of PH                               |

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| 175. To deal with dangerous dogs under the Dangerous Dogs Act 1991.  | D of PH                  |
| 176. To serve notices under Section 77 Criminal Justice and Public Order Act 1994.   | OD-AS                    |
| 177. 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 for breaches of dog control orders.   | D of PH and OD-C&E       |
| 178. To recommend any future changes to Fixed Penalty Notice amounts and early payment discounts as may be required and implement decisions made.  | SD-ECR and D of PH       |
| 179. To issue fixed penalty notices.   | OD-C&E and D of PH       |
| 180. To appoint a Chief Inspector of Weights and Measures and Inspectors of Weights and Measures in accordance with Section 72 of the Weights and Measures Act 1985.   | D of PH                  |
| 181. To authorise officers to exercise the powers conferred on the authority by the Consumer Protection From Unfair Trading Regulations 2008   | D of PH                  |
| 182. In relation to the joint exercise of functions (not affecting the delegation of the enforcement of the Consumer Credit Act already furnished to Officers), to enforce Part 3 of the Consumer Credit Act 1974 (pursuant to Section 101(5) of the Local Government Act 1972, Regulation 11 of the Local Authority (Arrangements for Discharge of Functions) (England) Regulations 2000, Section 20 of the Local Government Act 2000 and all other enabling powers). | Birmingham City Council. |
| 183. To issue simple cautions on behalf of the Council in connection with the powers and duties allocated to the Director of Public Health   | D of PH                  |

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| 184. 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.   | D of PH  |
| 185. To waive or vary charges for the collection of bulky household items.  | OD-C&E in consultation with the Executive Board Member for Community and Sport |
| 186. The exercise of all functions under the Clean Neighbourhoods and Environment Act 2005.   | OD-C&E and D of PH   |
| 187. To exercise the Council's functions under the Scrap Metal Dealers Act 2013 other than those functions delegated to the OD-LD (being Sections 1 to 8 and Schedule 1 of the Act).  | OD-C&E   |
| 188. To exercise the Council's functions under Sections 1 to 8 and Schedule 1 (Licensing) of the Scrap Metal Dealers Act 2013   | OD-LD  |
| 189. To exercise the powers and duties of the Council in relation to the burial and cremation of the dead.  | SD-ECR   |
| 190. To determine all matters associated with, and to carry out, the consequential work associated with the discharge of the Council's Licensing functions within the jurisdiction of the Council's Regulatory Committee other than matters under the Licensing Act 2003 and the Gambling Act 2005. | OD-LD  |
| 191. To determine applications for vehicles licences; drivers and operators licences under the Local Government (Miscellaneous Provisions) Act 1976 and to sign licences and consents.  | OD-LD  |
| 192. To suspend vehicles, drivers or operators licences under Sections 60, 61, 62 and 68 of the Local Government (Miscellaneous Provisions) Act 1976.   | OD-LD  |

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| 193. To relax criteria for temporary periods consequent upon medical problems of, or long term leave of, drivers and vehicle licence holders.  | OD-LD in consultation with the Chair of the Regulatory Committee (all such action to be reported to the Committee) |
| 194. To determine 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.  | OD-LD  |
| 195. To determine applications relating to sex establishments and to determine conditions relating thereto under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.   | OD-LD  |
| 196. To administer the Street Collections and House to House Collections legislation.  | OD-LD  |
| 197. To exercise the Council's enforcement powers and duties relating to taxi and private hire legislation and the Council's policies and conditions relating thereto (including Part 1 Health Act 2006 to the extent that it relates to taxis and private hire vehicles).   | Legal Services Enforcement Officer(s),<br>Legal Services Licensing Manager, OD-LD                                  |
| 198. To exercise the Council's relevant powers, functions and duties under the Animal Welfare Act 2006 and to authorise appropriately qualified officers as inspectors for the purposes of the Act to exercise any powers granted under this legislation for the purpose of enforcement and administration of the legislation. | D of PH  |

**(Matters relating to the Licensing Act 2003)**

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|---|-------|
| 199. To determine an application for a personal licence if no objection has been made.                              | OD-LD |
| 200. To determine an application for premises/licence club premises certificate if no representation has been made. | OD-LD |
| 201. To determine an application for a provisional statement if no representation has been made.                    | OD-LD |

202. To determine an application to vary a premises licence/club premises certificate in no representation has been made.	OD-LD
203. To determine applications to vary designated premises supervisor where there has been no police objection.	OD-LD
204. To determine requests to be removed as designated premises supervisor.	OD-LD
205. To determine an application for transfer of premises licence where there has been no police objection.	OD-LD
206. To determine applications for interim authorities where there has been no police objection.	OD-LD
207. To determine decisions on whether a complaint is irrelevant, frivolous, vexatious etc.	OD-LD
208. To determine applications to vary premises licences at community premises to include alternative licence condition where there has been no police objection.	OD-LD
209. To decide whether to consult other responsible authorities on minor variation applications.	OD-LD
210. To determine minor variation applications.	OD-LD
211. To call extra meetings of the Regulatory Committee and Regulatory Sub-Committees.	OD-LD in consultation with the Chair and Vice Chair

**(Matters relating to the Gambling Act 2005)**

212. To determine applications for premises licences where no representations have been received or where representations have been withdrawn	OD-LD
213. To determine applications for variations to licences where no representations have been received or where representations have been withdrawn	OD-LD
214. To determine applications for transfers of licences where no applications have been received from the Gambling Commission or where representations have been withdrawn	OD-LD

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| 215. To determine applications for provisional statements where no representations have been received or where representations have been withdrawn | OD-LD |
| 216. To determine applications for other permits   | OD-LD |
| 217. To cancel licensed premises gaming machine permits  | OD-LD |
| 218. To consider temporary use notices   | OD-LD |

**Matters relating to the Licensing Act 2003  
and the Gambling Act 2005**

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| 219. 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). | OD-LD |
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**(Matters relating to Vehicle Fleet Management)**

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| 220. 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. | OD- PPT |
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**(Matters relating to Children's Services)**

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| 221. To support the work of the School Forum on the Dedicated Schools Grant and deal with all matters relating to the operational and management aspects of the DSG. | OD- EAI |
| 222. To deal with all matters relating to the management of the Children and Young People's Budget.  | OD- EAI |
| 223. To deal with all aspects of school admissions and school admission appeals processes in accordance with the Council's policy.                                   | OD- EAI |

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|--|-------------------------|
| 224. To deal with all aspects of school exclusions and school exclusion appeals processes in accordance with the Council's Policy.   | OD - EAI                |
| 225. To appoint School Appeal Panel members.   | Chief Executive         |
| 226. To appoint Local Authority School Governors in consultation with the Leader and Portfolio holder  | SD-P or his/her nominee |
| 227. To authorise all legal matters related to school attendance.  | OD- EAI                 |
| 228. 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-EAI                  |
| 229. To deal with all matters to secure positive activities for young people.  | OD-EAI                  |
| 230. To deal with all matters relating to the implementation of continuing education in accordance with the Council's policy.  | OD- EAI                 |
| 231. To deal with all matters relating to the operational and management aspects of the Youth Service in accordance with the Council's Policy.   | OD- EAI                 |
| 232. To determine applications for mandatory and discretionary awards in accordance with statutory regulations and the Council's policy.   | OD- EAI                 |
| 233. To consider any appeal lodged for assistance for transport in conjunction with the Portfolio Holder for Children, Young People and Families.  | OD- EAI                 |
| 234. To determine applications for benefits or remissions in relation to educational services in accordance with statutory regulations and Council's policy.   | OD- EAI                 |
| 235. To grant licences for children to take part in public performance and to grant work permits for children.   | OD- EAI                 |

236. 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- EAI
237. To approve service contracts, subscriptions and licences for matters relating to children's services that are consistent with the Council's policy and within budgetary constraints.	SD-P
238. 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
239. Determination of rates of maintenance at homes operated by voluntary organisations providing residential or temporary accommodation within approved budgets.	SD-P in consultation with Executive Board Member for Children, Young People and Families
240. 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-CF
241. 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-CF
242. 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-CF
243. To act as next friend of any child in care with regard to insurance claims.	OD-CF
244. To make arrangements with or contributions to voluntary organisations providing residential or temporary accommodation in accordance with the policy of the Committee.	OD-CF
245. To exercise all powers of entry vested in the Council as Social Services Authority.	OD-CF
246. Subject to any court order, control visitors to and contact with children in homes provided by the Council.	OD-CF

247. 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-CF
248. To grant permission for the placement of a child in secure accommodation for a period not exceeding 72 hours.	OD-CF
249. To act as Authorised Officer under Children's and Adoptions legislation.	OD-CF
250. Power to impose requirements or prohibit the keeping of foster children at specified addresses.	OD-CF
251. 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.	SD-P
252. To decide upon recommendations of Adoption Panels.	OD-CF
253. To approve foster parents.	OD-CF
254. To provide for continued maintenance, education or support of young persons formerly in the care of the local authority.	OD-CF
255. 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-CF
256. Where exceptional circumstances so require, to authorise payments to fosterers in excess of the Council's approved schedule of fees and charges.	OD-CF
257. To give approval to the placement of children subject to care order with their parents.	OD-CF
258. To establish at least one Adoption Panel.	SD-P
259. To establish a Children Safeguarding Partnership	SD-P
260. To deal with all matters relating to the provision of sufficient child-care.	OD- EAI

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| 261. To make arrangements for the provision of information on any services, facilities and publications which may assist the parents of children and young people up to the age of 20. | OD- EAI |
| 262. To act as lead signatory for Police and CRB checks relating to Children in Care.  | OD-CF   |
| 263. To deal with all matters to secure positive achievement and attainment for young people.  | OD- EAI |

**(Matters relating to Community and Health)**

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| 264. Determination of rates of maintenance at homes operated by voluntary organisations providing residential or temporary accommodation within approved budgets.   | OD-AS in consultation with the Executive Board Member for Health and Wellbeing |
| 265. To make arrangements with or contributions to voluntary organisations providing residential or temporary accommodation in accordance with the policy of the Committee.   | OD-AS in consultation with the Executive Board Member for Health and Wellbeing |
| 266. 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-AS  |
| 267. 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-FS  |
| 268. 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-AS  |

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| 269. To exercise all powers of entry vested in the Council as Social Services Authority.   | OD-AS |
| 270. 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-AS |
| 271. To approve and re-approve Approved Mental Health Professionals (AMHPs), employed by the Local Authority or other organisations as having appropriate competence in dealing with persons who are suffering from mental disorders under the Mental Health Act 1983 (as amended by Mental Health Act 2007) . | OD-AS |
| 272. To act as Guardian under the Mental Health Act 1983 (Ss. 7 & 37).   | OD-AS |
| 273. To authorise social workers as Best Interest Assessors under the Mental Health Act 2007   | OD-AS |
| 274. To authorise Deprivation of Liberty Safeguards on behalf of the Local Authority under the Mental Health Act 2007.   | OD-AS |
| 275. To provide aftercare under Section 117 of the Mental Health Act 1983.   | OD-AS |
| 276. To arrange for the supervision and aftercare of conditionally discharged restricted patients.   | OD-AS |
| 277. To consent to the making of an application for a Residence Order where required.  | OD-AS |
| 278. To approve adult placement carers.  | OD-AS |
| 279. 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-AS |
| 280. To administer the provision of services for the welfare of older persons.   | OD-AS |

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| 281. 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-AS |
| 282. 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-AS |
| 283. 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-AS |
| 284. To administer the disabled drivers car badges scheme and travel permits for disabled persons.  | OD-AS |
| 285. To make payments in kind and cash payments to Asylum Seekers.  | OD-AS |
| 286. To arrange for the provision of 'Appropriate Adults' under the Police and Criminal Evidence Act 1984.  | OD-AS |
| 287. 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-AS |
| 288. To exercise powers of a Social Services Authority under the NHS and Community Care Act 1990.   | OD-AS |
| 289. To carry out assessments as required by the Chronically Sick and Disabled Persons Act 1970.  | OD-AS |

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| 290. 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                         |
| 291. To exercise all powers under the Mental Health Act 2007.   | DoPH                                    |
| 292. All local authority powers and duties referred to in the following sections of the Health and Social Care Act 2012 when enacted and in each case commenced:-   |   |
| Sections 29,31 and 32<br>Section 30   | DoPH<br>Chief Executive                 |
| 293. All those powers and duties listed in section 73A(1) of the National Health Service Act 2006.  | DoPH                                    |
| 294. Such actions as are necessary to give effect to the public health and related powers and duties conferred upon the Council as a result of the reform of the National Health Services legislation             | Chief Executive<br>(or his/her nominee) |

## Appendix A

### (relating to Paragraph 174 of the Scheme of Delegation)

#### Part 1 Matters mainly associated with Trading Standards, Consumer Protection and Weights and Measures

Accommodation Agencies Act 1953  
Agriculture Act 1970  
Animal Feed (Composition, Marketing, Use) (England) Regulations 2015  
Animal Feed (Hygiene, Sampling etc Enforcement) (England) Regulations 2015  
Animal Feed (Basic Safety Standards) (England) Regulations 2019  
Anti-Social Behaviour Act 2003  
Bankers Books Evidence Act 1879  
Cancer Act 1939  
Children and Families Act 2014  
Children and Young Persons Act 1933  
Children and Young Persons (Protection from Tobacco) Act 1991  
Chiropractors Act 1994  
Clean Air Act 1993  
Companies Act 2006  
Consumer Credit Act 1974  
Consumer Protection Act 1987  
Consumer Rights Act 2015  
Control of Pollution Act 1974  
Copyright Designs & Patents Act 1988  
Cosmetic Products Enforcement Regulations 2014 and the EU Cosmetics  
Regulations as defined therein  
Criminal Attempts Act 1981  
Criminal Justice Act 1988  
Criminal Law Act 1977 (common-law conspiracy to defraud)  
Crossbows Act 1987  
Customs and Excise Management Act 1979  
Education Reform Act 1988  
Energy Act 1976  
Enterprise Act 2002  
Environment Act 1995 as it applies to the Volatile Organic Compounds in Paints,  
Varnishes and Vehicle Refinishing Products Regulations 2012  
Environmental Protection (Microbeads) (England) Regulations 2017  
Estate Agents Act 1979  
European Communities Act 1972  
European Union (Withdrawal) Act 2018  
Explosives Act 1875  
Explosives (Age of Purchase) Act 1976  
Firearms Act 1968  
Fireworks Act 2003  
Forgery and Counterfeiting Act 1981  
Fraud Act 2006  
Gambling Act 2005

Hallmarking Act 1973  
Health and Safety at Work Etc. Act 1974  
Housing and Planning Act 2016 as it relates to Client Money Protection Schemes  
Intoxicating Substances (Supply) Act 1985  
Knives Act 1997  
Legal Services Act 2007  
Licensing Act 2003  
Malicious Communications Act 1988  
Measuring Container Bottles (EEC Requirement Regulations) 1977  
Motor Cycles Noises Act 1987  
National Lottery Act 1993  
Offensive Weapons Act 1996  
Official Controls (Animals, Feed and Food) (England) Regulations 2006 in so far as it relates to feed law  
Official Feed and Food Controls (England) Regulations 2020 in so far as it relates to feed law  
Olympic symbol etc. (Protection) Act 1995  
Opticians Act 1989 S27  
Osteopaths Act 1993  
Petroleum (Consolidation) Regulations 2014  
Prices Act 1974  
Proceeds of Crime Act 2002  
Protection of Children (Tobacco) Act 1986  
Protection from Harassment Act 1997  
Psychoactive Substances Act 2016  
Public Health Acts 1936 and 1961  
Redress Schemes for Letting Agencies Work and Property Management Work Order (England) 2014  
Registered Designs Act 1949  
Regulatory Enforcement and Sanctions Act 2008  
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  
Single Use Carrier Bags Charges (England) Order 2015  
Tattooing of Minors Act 1969  
Tenant Fees Act 2019  
The Ammonium Nitrate materials (High Nitrogen Content) Safety Regulations 2003  
The Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013  
The Dangerous Substances and Explosive Atmosphere Regulations 2002  
The Explosive Regulations 2014  
The Offensive Weapons Act 2019  
The Petroleum (Consolidation) Regulations 2014  
Theft Act 1968  
Tobacco Advertising and Promotion Act 2002  
Trade Descriptions Act 1968  
Trade Marks Act 1994

Unsolicited Goods and Services Act 1971  
Unsolicited Goods and Services (Amendment) Act 1975  
Video Recordings Act 1984  
Video Recordings Act 1993  
Weights and Measures Act 1976  
Weights and Measures Act 1985

## **Part 2 Matters mainly related to animal welfare, health and safety, statutory nuisance and licensing enforcement**

- Abandonment of Animals Act 1960
- Agricultural Act 1970
- Animal Health Act 1981
- Animal Health Act 2002
- Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
- Animal Welfare Act 2006
- Animal Health and Welfare Act 1984
- Anti-social Behaviour Act 2003 (Section 43 Fixed Penalty Notices for graffiti and fly-posting including power to request name and address for :-
  - Highways S 132 – painting or affixing things on structures on the highway
  - Town and Country Planning Act S224(3) where a person personally affixed or placed the advertisement to, against or upon the land or object on which the advertisement is or was displayed
- Building Act 1984
- Caravan Sites Act 1968
- Caravan Sites and Control and Development Act 1960
- Clean Air Acts 1956-1993
- Clean Air Act 1993 S33 cable burning
- Clean Neighbourhoods and Environment Act 2005
  - Parts 2 (vehicles), 6 (graffiti and litter) Part 8 (high hedges)
  - S48 – graffiti removal notices
- Control of Pollution Act 1974 and 1989
- Crime and Disorder Act 1998
- Criminal Justice and Public Order Act 1994
  - S77 Unauthorised camping
- Dangerous Dogs Act 1989
- Dangerous Dogs Act 1991
- Dangerous Substances and Explosive Atmospheres Regulations 2002
- Dangerous Wild Animals Act 1976
- Defective Premises Act 1972
- Dog Control Orders 2012
- Dogs Act 1871
- Dogs Act 1906
- Dogs (Amendment) Act 1928
- Dogs (Fouling of Land) Act 1996
- Environment Act 1995
  - S108

- Environmental Protection Act 1990 Part I, Part III and Sections 149-152
  - Parts 2 and 4
- European Communities Act 1972 and associated regulations Sections 2 and 9(7)
- Factories Act 1961
- Fire Precautions Act 1971
- Food and Environmental Protection Act 1985 Part I, Part III and Part IV
- Guard Dogs Act 1975
- Health Act 2006
- Health and Safety at Work etc Act 1974
- Home Safety Act 1961
- Housing Act 2004
- Land Compensation Act 1973
- Land Drainage Acts 1961 and 1976
- Late Night Refreshment Houses Act 1969
- Licensing Act 2003
- The Local Government Act 1894 (game licenses)
- Local Government (Miscellaneous Provisions) Act 1976
- Local Government (Miscellaneous Provisions) Act 1982
- Local Government Acts 1953-1989
- Local Government Act 1972 S16 Requisition for Information
- Mobile Homes Act 1977
- Mobile Homes Act 2013
- Noise Act 1996
- Noise and Statutory Nuisance Act 1993
- Offices, Shops and Railway Premises Act 1963
- Pesticides Act 1996
- Petroleum (Consolidation) Regulations 2014
- Police and Criminal Evidence Act 1984
- 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
- Protection from Eviction Act 1977
- Public Health (Control of Diseases) Act 1984
- Public Health Act 1936
- Public Health Act 1961
  - S34 – Accumulation of Rubbish
  - S73 – Derelict Petrol Tanks
- Radioactive Substances Act 1993
- Rag Flock Act 1961
- Refuse Disposal (Amenity Act) 1978
- Regulation of Investigatory Powers Act 2000
- Riding Establishments Act 1970
- Scotch Whisky Act 1982
- Shops Act 1950
- Sunday Trading Act 1994
- Sunbeds (Regulations) Act 2010

- Tattooing of Minors Act 1969
- Town Police Clauses Acts 1847-1889
- Trade Marks Act 1994
- Water Acts 1945-1989
- Water Industry Act 1991
- Welfare of Animals at Slaughter Act 1991
- Zoo Licensing Act 1981

## **Matters relating to Trading Standards**

European Union (Withdrawal) Act 2018 as it continues to give effect to the following Regulations or Orders under which this local authority has an enforcement duty:

Biofuel Labelling Regulations 2004

Business Protection from Misleading Marketing Regulations 2008

Cat and Dog Fur (Control of Import, Export and Placing on the Market) Regulations 2008

Construction Products Regulations 2013

Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013

Consumer Protection from Unfair Trading Regulations 2008

Consumer Rights (Payment Surcharges) Regulations 2012

Cosmetic Products Enforcement Regulations 2013 and the EU Cosmetic Products Regulation 1223/2009

Crystal Glass (Descriptions) Regulations 1973

Detergents Regulations 2010

EC Fertilisers (England and Wales) Regulations 2006

Electrical Equipment (Safety) Regulations 2016

Electromagnetic Compatibility Regulations 2016

Energy Information Regulations 2011

Energy Performance of Buildings (England and Wales) Regulations 2012

Financial Services (Distance Marketing) Regulations 2004

Fluorinated Greenhouse Gases Regulations 2015

Footwear (Indication of Composition) Labelling Regulations 1995

Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018

General Product Safety Regulations 2005

Package Travel and Linked Travel Arrangements Regulations 2018

Packaging (Essential Requirements) Regulations 2015

Passenger Car (Fuel Consumption and CO2 Emissions Information) Regulations 2001

Personal Protective Equipment (Enforcement) Regulations 2018

Pressure Equipment (Safety) Regulations 2016

Pyrotechnic Articles (Safety) Regulations 2015

Quality Schemes (Agricultural Products and Foodstuffs) Regulations 2018

Radio Equipment Regulations 2017

REACH Enforcement Regulations 2008

Recreational Craft Regulations 2017

Rights of Passengers in Bus and Coach Transport (Exemptions and Enforcement) Regulations 2013

Simple Pressure Vessels (Safety) Regulations 2016

Supply of Machinery (Safety) Regulations 2008

Textile Products (Labelling and Fibre Composition) Regulations 2012

Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010

Tobacco and Related Products Regulations 2016

Toys (Safety) Regulations 2011

Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2012

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European Union (Withdrawal) Act 2018 as it continues to give effect to the following Regulations or Orders under which this local authority has an enforcement duty:

Animal Feed (Basic Safety Standards) (England) Regulations 2019

Official Controls (Animals, Feed and Food, Plant Health Fees etc.) Regulations 2019 in so far as it relates to feed law

Official Feed and Food Controls (England) Regulations 2009 in so far as it relates to feed law

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European Union (Withdrawal) Act 2018 as it continues to give effect to the following Regulations or Orders under which this local authority has an enforcement duty:

Measuring Container Bottles (EEC Requirements) Regulations 1977

Measuring Instruments Regulations 2016

Non-automatic Weighing Instruments Regulations 2016

Weights & Measures (Packaged Goods) Regulations 2006

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A separate authorisation is required under the Health and Safety at Work etc Act 1974 referring to the following:

i) Sections 20, 21, 22 and 25 of the 1974 Act;

ii) The following Regulations made under the 1974 Act:

The Ammonium Nitrate Materials (High Nitrogen Content) Safety Regulations 2003

The Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013

The Chemicals (Hazard Information and Packaging for Supply) Regulations 2009

The Dangerous Substances and Explosive Atmospheres Regulations 2002,

The Explosives Regulations 2014,

The Petroleum (Consolidation) Regulations 2014, and

iii) The provisions of the following Acts mentioned in Schedule 1 to the 1974 Act;

Explosives Act 1875

Public Health Acts 1936 and 1961

## **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 Chair/Vice- Chair 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
50. Length 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 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 (not necessarily at the Annual Meeting).

### 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 as 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 Committees 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 (exercised either at or prior to the meeting)
  - (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 Chair 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 (Disclosable Pecuniary Interest or Disclosable Other 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 and Crime Commissioner 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 seven 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 may be called in not later than 5 working days after the publication of the Minutes of the Executive 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 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 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 re-considered.

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 which decided the matter, unless the notice of withdrawal is signed by the same people who signed the call-in notice. Prior to the expiry of the 5 working day period, a signature to a call-in application can be withdrawn at any time. Any notice of withdrawal will only take effect if it is in writing to the Chief Executive. If a signature is withdrawn prior to the expiry of the 5 working day period, 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.

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

#### Procedure when a Call-in is received

- (1) Notification of call-in received on the requisite form.
- (2) The Chief Executive will confirm that the call-in is valid (i.e. is correctly signed by the required number of signatories, is a decision made by the Executive Board and was not excluded from the call-in procedure on the grounds of urgency).
- (3) Call-in item included on the next Council Summons; the following details will be included:
  - the name of the proposer;
  - the name of the seconder; and
  - the reason for call-in.
- (4) Call-in item is considered by Council as detailed in the 'Rules for Debate for Call-in'. Council can either affirm or reject the original resolution or can send it back for re-consideration by the original decision-making body (i.e. Executive Board).
- (5) Decision of Council is implemented.

#### Rules of Debate for Call-in

- (1) A call-in shall not be discussed unless it has been proposed and seconded.
- (2) The Proposer shall have a maximum of five minutes to address Members to explain his reasons for the call-in.
- (3) A Member, when seconding the call-in may, if he then declares his intention to do so, reserve his speech until a later period of the debate.
- (4) 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.
- (5) A Member shall direct his speech to the call-in under discussion or to a personal explanation or to a point of order. No speech shall exceed five minutes except by consent of the Council, which shall be signified without discussion.
- (6) The Chair of the relevant decision making body or the relevant Portfolio which is the subject of the call-in, has the right to speak on the matter for a maximum of five minutes.

- (7) Finally, the Proposer of the call-in shall have a right to reply to a maximum of five minutes.

## 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 -

- (a) to refer a subject of debate to a Panel, Board or Committee for consideration or reconsideration; and/or
- (b) to leave out words; and/or
- (c) to leave out words and insert or add others; and/or
- (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 100A(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 100A(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 100A(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.

(3) In the case of decisions on the Budget, setting Council Tax or issuing Precepts, there shall be a recorded vote in any event. Voting shall be by roll call and shall be recorded 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.\*

\*As required by The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014

## 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

If any Member of the Council has a Disclosable Pecuniary Interest or a Disclosable Other Interest they shall comply with the Members' Code of Conduct set out in Chapter 5 of the Council's Constitution.

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 (Legal and Democratic Services) in consultation with the Executive Board Member for Resources 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 Operational Director (Legal and Democratic Services).

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 Operational Director (Legal and Democratic Services) 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 Operational Director (Legal and Democratic Services) or such other Officer who may, from time to time, be designated in writing by the Operational Director (Legal and Democratic Services), 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 shall, as necessary, appoint one of its Members as Leader of the Council, subject to the terms of office as referred to in Article 7 of this Constitution, and shall appoint one of its Members 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>
Council	56 (quorum 14)
Executive Board	10 (quorum 5)
Health and Wellbeing Board	25 (see note)
Schools Forum	(See note) (quorum 40%)
Development Management Committee	11 (quorum 5)
Appeals Panel	Drawn from (quorum 2 or PPB (such number Composition 3 (statutorily required)
Corporate Policy and Performance Board	11 (quorum 5)
Health Policy and Performance Board	11 (quorum 5)
Employment, Learning and Skills and Community Policy and Performance Board	11 (quorum 5)
Children, Young People and Families Policy and Performance Board	11 (quorum 5)
Safer Policy and Performance Board	11 (quorum 5)
Environment and Urban Renewal Policy and Performance Board	11 (quorum 5)
Audit and Governance Board	*11 (quorum 5)
Appointments Committee	6 (quorum 3)
Mayoral Committee	5 (quorum 3)
Regulatory Committee	11 (quorum 5)
Regulatory Sub-Committees	3 (quorum 2)
Independent Persons Panel	2 (quorum 2) (See note)

**Note:**

**Health and Wellbeing Board** – the meeting shall be quorate provided at least 50% of all members are present. This should include the Chair or Vice Chair and at least one Officer of the PCT and one Officer of the Local Authority. Where a Board is not quorate, business may proceed but decisions will need to be ratified.

**Schools Forum** – must have Schools Members, Academy Members and Non-Schools Members; Schools and Academy Members together must number at least two-thirds of the total membership of the Schools Forum and the balance between Primary, Secondary and Academies Members must be broadly proportionate to the pupil numbers in each category. The meeting shall be quorate provided at least 40% of the total current membership is present. Where

a Forum is not quorate, the meeting can respond to authority consultation and give views to the authority.

**Independent Persons Panel** – comprises two of the Independent Persons appointed under Section 28(7) of the Localism Act 2011 (to advise on Member conduct allegations) by the Council. If there are fewer than two such persons, independent persons appointed by another authority may be appointed. The Panel will be appointed from those Independent Persons who have accepted an invitation to be considered for appointment, in accordance with the following priority order:-

- (a) An Independent Person who has been appointed by the authority and who is a local government elector in the Council's area;
- (b) Any other Independent Person who has been appointed by the authority;
- (c) An Independent Person who has been appointed by another authority or authorities.

(\*NB Membership may include up to 2 Executive Board Members).

32. Appointment of Chair/Vice-Chair of Forums and Panels, Boards and Committees.

The Executive Board, acting as the Council's Selection Committee, shall appoint the Chair and Vice-Chair 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 shall have the power:

- (1) 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) 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.

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.

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.

(9) 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 Principal Committee Services Officer. 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 Chair 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.

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, save that paragraph 16(2) shall not apply to the Regulatory Committee.

In all other cases, unless the context suggests otherwise, Standing Orders shall not apply to Panel, Board or Committee meetings, unless the Chair 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 Chair 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

(a) Subject to SO 35, and insofar as the calendar practically allows, the frequency of meetings of Council, Forums and Panels, Boards and Committees is as follows:

(1) Council	5 times per year (and/or as required)
(2) Executive Board	at least 10 times per year
(3) Policy and Performance Boards	Four times per year
(4) Audit and Governance Board	Four times per year
(5) Development Management Committee	Monthly
(6) Appeals Panel	as required
(7) Appointments Committee	as required
(8) Mayoral Committee	as required
(9) Regulatory Committee	Five times per year (and/or as required)
(10) Schools Forum	Four times per year (and/or as required)
(11) Health and Wellbeing Board	Four times per year

(b) This Standing Order is without prejudice to the right of the Chair of all Panel, Board or Committee meetings to dispense with or set different dates for any scheduled meetings prior to the issue of the summons relating to such meetings.

50. Length of Meetings

All meetings of Policy and Performance Boards will not continue beyond 9.00 p.m.

## APPENDIX 6

### PUBLIC SPEAKING ON PLANNING APPLICATIONS

An explanation of the system for those wishing to speak

#### **HOW TO HAVE YOUR SAY AT A DEVELOPMENT MANAGEMENT COMMITTEE**

This information 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 information.

#### **How does the Development Management 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 here. 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 Management Committee or discuss its progress.

The Committee is made up of a Chair, Vice-Chair 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 Management 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 Services Section on 0151 511 8276.

#### **How do I arrange to speak at a meeting?**

When an application is to be considered by the Committee, the applicant, objectors and supporters will be notified of the meeting and may request or download a form which will need to be completed if they wish to speak at the meeting.

- In cases where a petition or in excess of 25 standardised letters are received only the lead name and/or the first ten letters received in respect of the application will be notified.
- The form must be received by the Planning Department by 16:00 on the working day (normally a Friday) before the Committee meeting, at the very latest.
- On the day of the Committee please arrive at the venue between 18:00 and 18:15 to register your intention 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.
- 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 Chair 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 (5 minutes)
- Supporter (5 minutes)
- Applicant/Agent (5 minutes)

You will be asked by the Chair of the Development Management Committee to move to a designated seat before you speak. The five-minute limit will be strictly applied by the Chair 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 Chair will determine the order of speaking on each application.

The Operational Director – Policy, Planning and Transportation will then bring any necessary information, in addition to that in the Officer report, to the Committee's attention. Members of the Development Management 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 511 8276. 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:

- The Council's Development Plan
- Planning Practice Guidance
- National Planning Policy Framework
- Planning Law and Legal Precedents
- 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?**

The venue alternates between Runcorn Town Hall and Municipal Building Widnes. You can check this on the Council's web site. Meetings usually start at 18:30. If you have completed a form asking to speak you must arrive at the venue between 18:00 and 18:15 to register your intention to speak.

Attendees should be aware that members of the press and public who are present during the public part of a meeting, have the right to film, audio-record, take photographs and use social media (such as tweeting and blogging) to report proceedings of meetings.

### **How are Parish Councils involved?**

Parish Councils are consulted on all relevant planning applications within their area. For details of your Parish Council clerk please contact Democratic Services on 0151 511 8380. Parish Councils have separate arrangements for speaking at the Committee. The Chair will use his/her discretion to fit any Parish Council arrangements with those for public speaking.

**The role of Borough Councillors:**

You may like to contact your Councillor to discuss a planning application. 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. Any Councillor who sits on the Committee will not be able to commit him or herself to a decision before hearing all the evidence and debate at the relevant Development Management Committee meeting.

**Who do I ask if I have any other queries?**

If you have any questions or any other comments please contact the case officer responsible for the planning applications or:

**Operational Director – Policy, Planning and Transportation**  
**Halton Borough Council**  
**Municipal Building**  
**Kingsway**  
**Widnes**  
**WA8 7QF**

**Tel: 0151 511 6160**

**Email: [dev.control@halton.gov.uk](mailto:dev.control@halton.gov.uk)**

<b>Contents</b>	<b>Page</b>
(The) Anti Social Behaviour, Crime and Policing Act 2014	285
(The) Building Act 1984 - Provisions of	283
(The) Civil Partnership Act 2004	284
(The) Education and Inspections Act 2006	284
(The) Flood and Water Management Act 2010	275
(The) Gambling Act 2005 - Matters relating to	313
(The) Highways Act 1980 - Provisions of	283
(The) Housing Benefit and Council Tax Regulations 2001	285
(The) Housing Act 1985 - Provisions of	283
(The) Local Democracy, Economic Development & Construction Act 2009	283
(The) Local Government Act 1972 - Provisions of	281
(The) Local Government Act 1974	282
(The) Local Government and Housing Act 1989 - Provisions of	283
(The) Licensing Act 2003	312
(The) Registration Service Act 1953	284
Absence from meetings (SO19)	345
Acceptable use (ICT Standing Orders)	136
Access to agenda and reports before the meeting	38
Access to Council Documents - Members	245
Access to information	26
Access to information - Locality Area Forums	25
Access to Information - Joint arrangements	25
Access to Information Procedure Rules - Scope	37
Access to minutes etc after the meeting	38
Acquisition Policy	139
Additional rights of access for Members	47
Agenda items	59
Aims and Objectives of the Council	4 & 8
Allowances - entitlement	12
Allowances - Payment of and Repayment of (Members)	229
Annual Council - Matters for	332
Annual Increase (Members' Allowances)	229
Anonymous Allegations ("Whistle Blowing Policy")	205
Anti-Fraud, Bribery and Corruption Policy	211
Appeals Panel - Terms of Reference	272
Application of rules to the Executive	41
Application of Standing Orders Relating to Finance	72
Appointment of Chair/Vice-Chair of Forums and Panels, Boards (SO32)	350
Appointment of Forums and Panels, Boards and Committees (SO30)	348
Appointment of Head of Paid Service	151
Appointment of Strategic Directors, Operational Directors, and Operational Director and Monitoring Officer (Legal and Democratic Services)	151
Appointments - Other	152
Appointments Committee Terms of Reference	273
Appointments Committee - responsibility	153
Approved Duties (Members)	230
(Locality) Area Forums	25

Arrangements to promote well being	25
Asset Control: Land and Buildings	91
Attend meetings of Council etc	241
Attend meetings of the Executive where Key decisions are being discussed or decided	243
Attendance at private meetings of the Executive	45
Attendance by others (PPBs)	60
Audit & Governance Board	24
Authentication of documents	32
Authentication of documents for Legal Proceedings (SO27)	347
Authorisation of payments	125
Authorisation of variations	125
Automatic Reference to Panel, Board or Committee (SO 6)	335
Award of Contracts	122
Background papers	39
Banking Arrangements and Cheques	83
Basic Allowance (Members)	226
Borough Councillors - Role (Planning)	359
Bribery (Anti-Fraud Bribery and Corruption Policy)	211
Budget or Policy Framework - Decisions outside of	49
Building Act 1984 - Provisions of	283
Call in - of Executive Decisions (SO 9)	337
Call-in of decisions outside the budget or policy framework	50
Call-in of other decisions	51
Calling Extra-ordinary meetings (SO 17)	344
Canvassing of and Recommendations by Members and Officers (SO 22)	345
Capital Controls	74
Capital Programme	73
Certifying Officers	70
Chairing the Council meeting	16
Chair of Committee - Role Profile	237
Chair of Policy and Performance Board - Role Profile	239
Changes to the Constitution	32
Chief Finance Officer - Functions of	29
Chief Officers	27
Child Care and Dependent Carer's Allowance (Members)	227
Children's Services - matters relating to	314
Citizens' responsibilities	14
Citizens' Rights	6 & 12
Citizens' Rights of Access to Information, Meetings etc	241
Civil Partnership Act 2004	284
Code of Conduct (Members)	174
Code of Conduct (Officers)	192
Collection and Control of Money	101
Committee Agenda - Control and Content of	200
Common Seal of the Council	32 & 124
Complain to Council	243
Complain to Ombudsman	243
Composition and eligibility - Members of the Council	11

Community and Health - matters relating to	318
Compliant Procurement Routes	130
Conduct- Officers	30
Conduct - Councillors/Members	12
Confidential Information - Meaning of	39
Confidentiality (ICT Standing Orders)	142
Confidentiality - The Employee Code	197
Conflicts of Interest - Executive	53
Constitution	8
Constitution - Inspect or obtain a copy of	241
Constitution - Publication of	34
Constitution - Purpose of	8
Constitution of Forums and Panels, Boards and Committees (SO 31)	349
Constitution - Changes to	33
Constitution - Interpretation	34
Constitution - Suspension	33
Consultation- Executive	54
Contact Local Councillors	241
Contract payments/settlements	125
Contract Register	124
Contracts	32
Co-opted Members (SO 47)	354
Co-optees (PPBs)	58
Co-optees (Scheme of Allowances)	228
Corporate Complaints	13
Corruption (Anti-Fraud, Bribery and Corruption Policy)	211
Corruption (The Employee Code)	195
Council - Attend meetings of	241
Council - How the Council operates	4
Council - Matters reserved to	252
Council - Powers of	8
Council Business - Standing Orders Relating to Conduct of	329
Council meetings	15
Council meetings - Chairing	16
Council Property - Unauthorised use of	92
Council Policy - Matters relating to	288
Council Tax and Housing Benefit - Matters relating to	296
Councillor - Role Profile	234
Councillors - Conduct	12
Councillors - Local Contact	241
Council's Constitution - Summary and Explanation	4
Council's Dispute Solving Process	252
Council's Scheme of Delegation and Executive Functions	53
Council's Staff (Officers)	6
Criteria for all Policy and Performance Boards	269
Culture and Leisure Services - Matters relating to	299
Custody of Seal (SO25)	346
Data and Backup (ICT Standing Orders)	142

Decision Making - Principles	30
Decision making by Council bodies acting as tribunals	31
Decision making by other committees and sub-committees established	31
Decision making by Policy and Performance Boards	31
Decision making by the Executive	31
Decision making by the full Council	31
Decisions - How they are made	5
Decisions - Types	30
Decisions by individual members of the Executive	46
Decisions outside the budget or policy framework	48
Declaration of Interest	37
Delegation by the Leader	52
Delegation to and from other local authorities	26
Delegations to Officers	286
Depositing Money and Banking	102
Development Control Committee - How does the Committee work?	356
Development Control Committee - Where are the Committee meetings held?	358
Director of Public Health - Functions of	29
Disaster Recovery (ICT)	143
Disciplinary action (Staff Standing Orders)	152
Disclosable Pecuniary Interests (Members)	188
Disclosure of Information (The Employee Code)	192
Disclosure of Interests At Meetings (Members)	186
Dismissal (Employee)	152
Disorderly Conduct (SO 13)	342
Dispensations - Key Decisions Granted	42
Disposal of Assets	93
Disturbance by members of the public (SO 14)	342
Duties of proper officers	280
Duty to monitor and review the Constitution	32
Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer	29
Economic Development and Regeneration - Matters relating to	291
Education and Inspections Act 2006	284
Election and terms of councillors	11
Electronic Tendering	117
E-mail and Internet	140
Email and Internet General Principles	140
Employee - Outside Commitments	194
Employee Code of Conduct	192
Employment	30
Environmental Protection Act 1990	284
Equality Issues(Employee Code)	195
Exclusion of access by the public to meetings	39
Exclusion of access by the public to reports	39
Executive - Decisions by individual Members	46
Executive - Form and Composition	23
Executive - Process for Developing Framework	48
Executive - Quorum	54

Executive - Rules of Application	41
Executive - What business?	54
Executive agenda - Who can put items on the agenda?	55
Executive Board meetings - Who may attend?	54
Executive Board Members (SO 33)	350
Executive Board Member- Role Profile	236
Executive Decisions - Call-in (SO 9)	337
Executive Decisions - Framework for	48
Executive decisions - Who may make Executive decisions?	52
Executive Functions - Sub-Delegation	52
Executive Meetings relating to matters which are not key decisions	45
Executive meetings - when and where?	53
Executive Meetings - Who presides?	54
Executive's Report to Council	45
Exempt information - discretion to exclude the public	39
Exempt Information - meaning of	40
Expenses and Allowances (Finance Standing Orders)	98
Extraordinary meetings - Calling of (SO 17)	344
Finance - Application of Standing Orders	72
Finance - Contracts and Legal Matters	32
Finance - Matters relating to	292
Finance - Standing Orders Index	64
Financial Administration (SO 42)	354
Financial Management- Contacts and Legal Matters	32
Financial Planning	73
Financial Systems	77
Forums and Panels, Boards and Committees - Voting in (SO 38)	353
Forums and Panels, Boards and Committees - Matters delegated to (SO 41)	353
Forums and Panels, Boards and Committees - Quorum (SO 37)	353
Forward Plan - Contents	43
Forward Plan - General Exception	43
Forward Plan - Major Decisions to be Discussed	242
Forward Plan - Special Urgency	44
Framework for Executive decisions	48
Fraud and Corruption - Defining	218
Fraud and Corruption - Investigating	220
Fraud and Corruption - Recovery and Sanctions	221
Fraud and Corruption - Reporting of	219
Fraud Response Plan	218
Fraud Response Plan - Review of	221
Fraud Sanction and Prosecution Policy	222
Frequency of meetings (SO 49)	355
Full Council - Functions of	14
Full Council - Policy Framework	14
Gambling Act 2005 - Matters relating to	313
Gifts and Hospitality (The Employee Code)	195
Gifts and Hospitality (The Members Code)	182
Governance - How HBC applies the principles	156

Halton Borough Council - Structure Overview	232
Halton Borough Council - Vision	9
Head of Paid Service - Appointment of	151
Head of Paid Service - Functions of	27
Health and Community - matters relating to	318
Highways Act - Provisions of	283
Housing - Matters relating to	296
Housing Act 1985 - Provisions of	283
How are decisions to be taken by the Executive	54
How to raise a concern (Whistleblowing Policy)	205
ICT - Computer Viruses	144
ICT - Confidentiality	142
ICT - Data Back-up	142
ICT - Disaster Recovery	143
ICT - Intellectual Property	143
ICT - Monitoring	144
ICT - Security of Council Property	144
ICT - System Security	144
ICT - Unauthorised Software	143
ICT - Security	143
Income	100
Independent Persons Panel (Terms of Reference)	277
Individuals (Staff and Members) Data and Backup	142
Inspect the Council's account	244
Inspection of Documents (SO 28)	347
Inspection of Lands, Premises, etc (SO 29)	348
Insurance	83
Intellectual Property	143
Interest of Members in Contracts and other matters (SO 20)	345
Interest of Officers in Contracts (SO 21)	345
Interests - Conflict of (Executive Functions)	53
Internal Audit	77
Internal Audit Charter	77
Internet (ICT Standing Orders)	141
Interpretation of Constitution	34
Interpretation and Review of the Constitution	10
Interpretation of Standing Orders (SO 46)	354
Interpretations Finance Standing Orders (Part 2)	67
Investigating suspected fraud and corruption	220
Invitations to Tender	118
Invoices and Creditor Payments	97
In-year changes to policy framework	50
Joint or Partnering Arrangements	25
Key decisions - Procedure before taking	41
Leader	23
Leader - Delegation by	52
Leasing and Credit arrangements	86
Legal proceedings	32

Legal Proceedings - Authentication of Documents For (SO27)	347
Length of Meetings (SO 50)	355
Licensing - Matters relating to Environmental Health and Consumer Protection	305
Licensing matters relating to the Licensing Act 2003	312
Local Code of Corporate Governance	154
Local Code of Corporate Governance - Monitoring and Review	155
Local Code of Corporate Governance - Principles	154
Local Elections (Principal Areas) Rules 1973	283
Local Government (Miscellaneous Provisions) Act 1976	283
Local Government Act 1974	282
Local Government (Access to Information Act)1985	247
Local Government and Housing Act 1989	283
Locality Area Forums	25
Lost property	93
Making sure that PPB reports are considered by the Executive or Policy Committees	59
Management structure (Officers)	27 & 232
Matters Reserved to the Council	252
Matters within the remit of more than one Policy and Performance Board	62
Matters delegated to Forums, Panels, Boards or Committees (SO 41)	353
Mayor - Role and function of	16
Meetings - Access to agenda and reports before the meeting	38
Meetings - Exclusion of access by Public to	39
Meetings - Length of (SO 50)	355
Meetings - Notice of	38
Meetings - Rights to Attend	37
Meetings - supply of copies	38
Meetings of the Council (SO 1)	332
Meetings of the Policy and Performance Board	58
Member Group Meetings (PPBs)	63
Member/Employee Interface Code	198
Members - Additional Rights of Access	47
Members and officers giving account (PPBs)	60
Members Code of Conduct	12 & 174
Members Complaints	200
Members Composition and eligibility (of the Council)	11
Members rights of access to Council documents	245
Minutes (SO 10)	339
Minutes - Access to etc after the meeting	38
Money - Collection and Control of	101
Money - Depositing and Banking of	102
Money Laundering	215
Money - Receiving of	101
Money - Security of	102
Monitoring Officer - Functions of	28
Motion or Proposal not Moved (SO 6)	335
Motions affecting persons employed by the Council (SO 12)	342
Motions or Proposals to be set out in the Summons (SO 6)	335
Motions - Alteration or Withdrawal (SO 11)	341

Motions - Closure (SO11)	342
Motions - Moved during debate (SO 11)	341
Motions which may be moved without Notice (SO 7)	335
Motions, Proposals and Amendments (SO 11)	339
Movable Property	91
Mover of motion or proposal may attend Panel, Board or Committee (SO 40)	353
Multiple Authorities (Membership of)	230
Notices of meeting	38
Notices of Motion or Proposals (SO 6)	334
Officer Employment Procedure Rules	150
Officers' Delegation	283
Officer's Code of Conduct	192
Ombudsman	243
Operational Director - Finance	69
Operational Director - ICT & Support Services	137
Operational Directors	70
Order of Business (Council Meetings) (SO 5)	333
Other Disclosable Interests (Members)	190
Other Executive Members	23
Outside Bodies - Appointment To (& SO3)	15 & 333
Overview and Scrutiny	5
Party Whip	61
Passwords	140
Payment of Allowances (Members)	226
Payments - Authorisation of	125
Payroll	95
Pensions (Members)	228
Personal Interests (The Employee Code of Conduct)	194
Personnel - Matters relating to	294
Petition to request a referendum on a Mayoral form of Executive	12 & 242
Petition - minimum number	13
Petty Cash	98
Planning and Transportation - Matters relating to	298
Planning Applications - Comments to the Committee	356
Planning Applications - How are Parish Councils involved?	358
Planning Applications - How can I find out when an application will be considered?	356
Planning Applications - How do I arrange to speak at a meeting?	356
Planning Applications - How to have your say	357
Planning Applications - Presentation aids and supporting documents	358
Planning Applications - Speak on	357
Planning Applications - What are the relevant issues in considering proposals?	358
Planning Applications - What can I say at the meeting?	357
Planning Applications - What is the order of speaking on each application?	357
Planning Applications - What issues are usually irrelevant in considering proposals?	358
Planning Applications - Who do I ask if I have any other queries?	359
Policy and Performance Boards - Meetings	58
Policy and Performance Board meetings - Who chairs?	58
Policy and Performance Boards	56

Policy and Performance Boards - Criteria for all	269
Policy and Performance Boards - General Role	19
Policy and Performance Boards - Matters within the remit of one or more Board	62
Policy and Performance Boards - Powers (SO 34)	350
Policy and Performance Boards - Powers and Duties (SO 34)	56 & 350
Policy and Performance Boards - Proceedings	22
Policy and Performance Boards - Scrutiny Role	19
Policy and Performance Boards - Terms of reference	18
Policy and Performance Boards - Who may sit on PPBs?	58
Policy and Performance Boards - Work Programme	58
Policy Framework - Full Council	14
Policy review and development	59
Political Neutrality/Activity (The Employee Code)	193
Powers - Policy and Performance Boards (SO 34)	350
Powers and Duties of Appeals Panel	272
Powers and Duties of Appointments Committee	273
Powers and Duties of Audit and Governance Board	270
Powers and Duties of the Health and Wellbeing Board	257
Powers and Duties of the Children, Young People & Families Policy and Performance Board	266
Powers and Duties of the Corporate Services Policy and Performance Board	258
Powers and Duties of the Development Control Committee	271
Powers and Duties of the Employment Learning and Skills & Community PPB	264
Powers and Duties of the Environment & Urban Renewal Policy and Performance Board	262
Powers and Duties of the Executive Board	255
Powers and Duties of the Health Policy and Performance Board	260
Powers and Duties of Independent Persons Panel	277
Powers and Duties of the Mayoral Committee	273
Powers and Duties of the Regulatory Committee	275
Powers and Duties of the Safer Policy and Performance Board	267
Powers and Duties - Schools Forum	273
Powers of the Council	8
Precedence (at meetings of the Council)	17
Procedure at Policy and Performance Board meetings	62
Procedure before taking Key Decisions	41
Proceedings of the Executive	24
Process for developing the framework (budget and policy)	48
Procurement Standing Order - Glossary of Terms	108
Proper Officers - Duties of and Delegation to	280
Public Health (Director of) Functions of	29
Public or private meetings - when and where?	53
Public Question Time - Contribute to Policy and Performance Boards (SO 34)	350
Public Rights - summary (Background Papers)	39
Public Speaking on Planning Applications	356
Public Transport (Use of by Members)	228
Publication (of Constitution)	34
Purpose of Finance Standing Orders (Part 1)	66
Purpose of the Constitution	8
Purchase Orders	95

Quarterly Reports - Special Urgency	45
Questions (SO 8)	336
Quorum (SO 4)	58 & 333
Quorum (Executive)	54
Quorum of Forums and Panels, Boards and Committees (SO37)	353
Receipt of Tenders - Closing Date for	118
Receiving Money	105
Record of decisions	45
Records and Stationery	102
Recovery and Sanctions - Fraud and Corruption	221
Recruitment and appointment	150
Recruitment of Head of Paid Service and Chief Officers	150
Registration of Members' Interests	181
Regulatory and other Committees	24
Regulatory Committee -Terms of Reference	275
Relationships - Members, the local community, Service Users & Contractors	193/194
Relatives of Members or Officers (SO 23)	346
Renunciation (of Members' Allowance)	230
Repayment of Allowances (Members)	229
Report to Council (Forward Plan)	44
Reporting suspected fraud and corruption	219
Reports, background papers and record of decisions	254
Resolution/Items relating to business (SO 36)	353
Responsibility for decision making	30
Responsibility for functions (The Executive)	24
Revenue Budgets	73
Revenue Control	75
Review of the Fraud Response Plan	221
Review and Revision of the Constitution	32
Revocation of Preceding Resolutions, Motions, Proposals or Amendments (SO 15)	343
Rights of access: Committee Membership	245
Rights of access: generally	245
Rights of access: Local Government (Access to Information) Act 1985	247
Rights of Policy and Performance Board Members to documents	60
Rights to attend meetings	37
Rights to Information	37
Role and Function of the Mayor	16
Role of Borough Councillors (in relation to Planning Applications)	359
Role of the Executive	23
Role Profile - Chair of Committee	239
Role Profile - Chair/Vice Chair of Policy and Performance Board	237-239
Role Profile - Councillor	11 & 234
Roles and functions of all councillors	11
Role Profile - Executive Board Member	236
Role Profile - Member without Portfolio (to be appointed by the Leader)	237
Role Profile - Scrutiny Coordinator	233
Rules of Debate for Council meetings (SO 11)	339
Rules of Debate for Council meetings - Closure Motions (SO 11)	242

Rules of Debate for Council meetings - Content and Length of Speeches (SO11)	339
Rules of Debate for Council meetings- Motions which may be moved during Debate (SO 11)	341
Rules of Debate for Council meetings - One Member at a Time (SO 11)	339
Rules of Debate for Council meetings - Points of Order (SO 11)	342
Rules of Debate for Council meetings - Right of Reply (SO11)	341
Rules of Debate for Council meetings - Seconders' Speech (SO 11)	339
Rules of Debate for Council meetings - When Members can Speak Again (SO 11)	340
Rules of Debate for Council Meetings - Withdrawal/Alteration of a Motion (SO 11)	341
Scheme of Delegation and Executive Functions	53
Scheme of Delegation to Officers	286
Scheme of Members' Allowances	226
Scope of Motions (SO 6)	335
Schools Forum - Terms of Reference	273
Scrutiny Co-ordinator - Role Profile	22 & 223
Sealing of documents (SO 26)	347
Seconders' Speech (SO 11)	339
Security (Asset Control)	92
Security of Money	102
Security - (ICT Standing Orders)	142
Selection of Councillors on Committees and Outside Bodies (SO 3)	333
Separation of Role During Tendering (The Employee Code)	195
Smoking (SO 48)	355
Speak on planning applications	242 & 356
Special meetings of Forums and Panels, Boards and Committees (SO 35)	352
Special Responsibility Allowances (Members)	226
Special Urgency	44
Special Urgency Decisions - Quarterly Report	45
Sponsorship - Giving and Receiving (The Employee Code)	197
Staff Establishment and Filling of Vacancies (SO 24)	346
Standards (Employee Code)	192
Standing Orders - Interpretation Of (SO 46)	354
Standing Orders - Forums, Panels, Boards and Committees (SO 39)	353
Standing Orders relating to accommodation	135
Standing Orders relating to Conduct of Council Business	329
Standing Orders Relating to Duties of Proper Officers and Delegation to Officers	280
Standing Orders Relating to Finance - Index	64
Standing Orders Relating to ICT	136
Standing Orders relating to Staff	146
Standing Orders to be Given to Members (SO 45)	354
Stocks and Stores	91
Strategic Directors	69
Structure Overview - HBC	232
Sub-delegation of Executive functions	52
Subsidies, Grants and Agency Reimbursements	88
Summary of Public's rights	39
Supply of copies	38
Suspension of Standing Orders (SO 44)	354
Suspension of the Constitution	33

Taxation	89
Tendering (Separation of Officers' Role)	195
Tendering Procedures	116
Tendering Process	117
Terms of reference for the Appeals Panel	272
Time limit for Claims (Members' Allowances)	230
Travel and Subsistence Allowance (Members)	227
Treasury Management, Borrowing and Investment	84
Types of Decision	30
Unauthorised use of Council Property	92
Unauthorised Software	143
Unofficial Funds	71
Urgent Action	71
Urgent decisions outside the budget or policy framework	49
Use of Financial Resources (The Employee Code)	195
Use of services, etc of firms dealing with the Council (The Employee Code)	196
Value Added Tax	89
Variation and Revocation of Standing Orders (SO 43)	354
Vehicle Fleet Management - Matters relating to	314
Vehicles and Plant	91
Vice Chair of Policy and Performance Board	239
Virement	49 & 76
Vision for Halton Borough Council	4 & 9
Vote at Local Elections	241
Voting at Council Meetings (SO 16)	344
Voting in Forums, Panels, Boards and Committees (SO 38)	353
Voting on Appointments (SO 18)	345
Voting and Petitions	12
Waiver of Procurement Standing Orders	130
Whistleblowing Policy	201
Whistleblowing Policy - Anonymous Allegations	205
Whistleblowing Policy - Confidentiality	204
Whistleblowing Policy - How the Council will Respond	206
Whistleblowing Policy - How the matter can be taken further	208
Whistleblowing Policy - How to Raise Concern	205
Whistleblowing Policy - Responsible Officer	208
Whistleblowing Policy - Safeguards and Protection	203
Withholding of Allowances (Members)	229
Work programme - Policy and Performance Boards	58
Working Relationships (Member/Officer Relationships)	198