

BASILDON COUNCIL'S CONSTITUTION

'THE WAY WE WORK'

July 2021

(March 2022 web update)

Constitution of Basildon Borough Council

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PART 1

SUMMARY AND EXPLANATION

Part 1 - Summary and Explanation

(NB - this is not an exhaustive description: for details reference must be made to the full Constitution. This summary and explanation does not form part of the Constitution)

1. The Council's Constitution

The Local Government Act 2000 requires the Council to prepare, keep up-to-date and publicise a document known as the Constitution. This document provides an important means of enabling members of the local community and stakeholders to understand how the Council makes decisions and who is responsible for those decisions.

The Constitution is at the heart of the Council's business. It allocates power and responsibility, and it regulates the behaviour of individuals and groups through codes of conduct, protocols and rules of procedure.

The Constitution is divided into fourteen articles which set out the basic rules governing the Council's business followed by more detailed information including responsibility for discharge of functions, procedures and codes of practice.

The Articles are intended to set the overall framework and in general will not be subject to frequent change. They are about *what* is to be done and by *whom*. Procedure Rules, Codes of Conduct and the other material located after the Articles are broadly about *how* the Articles will be put into effect.

Article 1 of the Constitution commits the Council to efficient, transparent and accountable decision making so that it will be more open and responsive to the needs and aspirations of the Community. Articles 2–14 explain the rights of members of the local community and how the key parts of the Council will work.

2. How the Council operates

The Council is composed of 42 Councillors. One third of the members are elected each year over three years and in every fourth year no elections take place. Councillors are democratically accountable to residents of their ward. The overriding duty of Councillors is to the whole community, including those persons who did not vote for them. Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Council has established a Joint Standards Committee which guides Members on the Code of Conduct and holds them to account as necessary.

All Councillors meet together as the Council. Meetings of the Council are normally open to the public. Here Councillors, amongst other things, decide the Council's policy framework and set the overall budget each year. The Council also has to agree any in year significant changes to the budget and policy framework. The Council also establishes committees and sub-committees and appoints Members to

these that help the Council operate. At Council meetings members of the public are able to submit questions to leading Councillors on issues of concern to them.

Councillors may form themselves into groupings usually based around political parties. In normal circumstances the largest group will form an Administration from which the leading positions in the structure will be filled. Other groups will normally take on the role of opposition to constructively test and challenge the work and views of the Administration.

3. How decisions are made

Most decisions on council functions are dealt with by politically balanced committees subject to the general oversight of Council. The main committees are:

- Policy Executive
- Resources and Commercial
- Regeneration and Economic Development
- Enforcement and Public Order
- Housing and Estate Renewal
- Communities and Wellbeing
- Leisure and Environment
- Strategic Planning and Infrastructure
- Scrutiny

The Council has adopted procedure rules for review of decisions made by the above committees in certain circumstances.

The Chairman of the Policy Executive Committee, who is appointed annually by Council at the Annual Council meeting, also has the title of Leader of the Council and has certain additional responsibilities associated with that role, as set out in Article 2 of this Constitution. The Vice-Chairman of the Policy Executive Committee also has the title of Deputy Leader of the Council and assists and deputises as necessary.

The above committees are supported by other committees and sub-committees. The other committees tend to be more specialist in nature such as:

- Planning Committee
- Licensing Committee

The Council also has an Audit and Risk Committee and a Joint Standards Committee which, in different ways, scrutinise the performance of the Council and its ethical standards.

4. The budget and policy framework

The Council from time to time may produce, or review and revise as the case may be, the main policy documents within which all decisions taken by the Council, its committees, sub-committees and officers must in principle be taken. There is provision for limited variations where necessary as a matter of urgency but

generally speaking variations require reference to Council. Reference should be made to Article 4 of the constitution for the process by which these documents are produced. The key documents will include the Corporate Plan and the Local Plan.

There are timetables within which many policy documents must be produced. The documents constitute the Council's overall policy statement, and decisions by or on behalf of the Council must be aimed at implementing them in letter and in spirit.

For the most important policies, policy formulation will be achieved after discussion in Council, but since the Council's time is finite, the Council also will receive advice on particular policy areas or individual matters from its committees and from Member panels or working parties. These can be created at the request of the Council or by committees.

5. Decision taking

Most decisions taken concerning the Council's functions and in pursuance of the Council's policy framework will be taken by or under the authority of the Council and its committees and sub-committees. In other words they will be taken by committees or sub-committees collectively or will have been delegated to officers. Officer delegations appear in the scheme of delegation in the constitution but may be supplemented by other decisions taken from time to time. The Council and its committees meet on a regular basis with scheduled meetings set out in a timetable of meetings approved at the Annual Council Meeting, although there may be additional meetings convened for particular purposes. From time to time the need for a decision arises which cannot wait until the next scheduled meeting of a committee or sub-committee. In certain circumstances provision is made for urgent decisions to be taken and the process by which this is to be done is described in the urgent decision procedure rules.

6. Protocols

As many of the Council's procedures become written down the need arises for more informal documents which set out all parties understanding of how these procedures will be conducted. These protocols deal with topics such as officer/member relations.

7. Joint working

The Council has agreed arrangements with other Councils to perform important functions jointly with them. This includes –

- The South Essex Partnership Joint Committee which includes the borough and district councils of Basildon, Brentwood, Castle Point, Chelmsford, Maldon and Rochford which has responsibility for the ongoing maintenance and enforcement of on street parking restrictions throughout the south of Essex.
- The Essex Countywide Traveller Unit Joint Committee which consist of a range of partner authorities to address the issue of unauthorised encampments

- The Joint Standards Committee with Local Councils in the Basildon Borough to discharge the standards arrangements of the authorities and uphold high standards of conduct.

8. The Council's Staff

The Council has people working for it to give advice, implement decisions and manage the day-to-day delivery of its services. Designated Officers (the Head of Paid Service, the Monitoring Officer and the Chief Financial Officer) have specific duties to ensure that the Council acts within the law and uses its resources wisely. A protocol governs the relationships between Officers of the Council and Councillors.

9. Rights of members of the local community

Members of the Local Community have a number of rights in their dealings with the Council which are set out in more detail in Article 3 of this Constitution. Some of these are legal rights, whilst others depend on the Council's own processes.

Members of the local community have the right to:

- (a) vote at local elections if they are registered.
- (b) contact the Council or their local Councillor about any matters of concern to them.
- (c) obtain a copy of the Constitution on payment of a reasonable charge.
- (d) attend meetings of the Council, its Committees and sub-committees except that part of a meeting where, for example, personal or confidential matters are being discussed.
- (e) petition to request a referendum on a change of governance arrangements.
- (f) participate in the Council's question time.
- (g) see reports and background papers, and any record of decisions made by the Council unless the Council decides that the papers should not be made public. Papers can only be withheld from the public for reasons provided for legally. These are set out in the Access to Information Procedure Rules at Part 4 of the Constitution.
- (h) complain to the Council about any Council service or the way it is delivered.
- (i) complain to the Ombudsman if they think the Council has not followed its procedures properly.
- (j) complain to the Council's Joint Standards Committee if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct.

- (k) inspect the Council's accounts and make their views known to the external auditor during prescribed periods each year.

Where members of the public use specific Council services they have additional rights. These are not covered in this Constitution.

10. Other matters

This outline summary aims only to give a shortened description of the main processes under the Council's Constitution. It should not be relied on for detailed procedures or definitions, which are contained in the full Constitution. The Constitution also deals with various matters which are not mentioned above either because they are not essential for the brief description.

11. Further information

The Council welcomes participation by the local community in its work. For further information on your rights as a member of the local community, please contact the Monitoring Officer at The Basildon Centre, St. Martin's Square, Basildon, Essex SS14 1DL; telephone 01268 533333.

PART 2

ARTICLES OF THE CONSTITUTION

Articles of the Constitution

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Article 1 - The Constitution

1. Powers of the Council

This article sets out the fundamental provisions of the Constitution. It confirms that the Council will exercise all its powers and duties in accordance with the law and the provisions of this Constitution.

2. Constitution

This Constitution, in all its parts, is the Constitution of the Basildon Borough Council.

3. Purpose of the Constitution

The purpose of the Constitution is to:

- (a) Set out the Council's overall governance arrangements.
- (b) Enable decisions to be taken efficiently and effectively.
- (c) Create an effective means of holding decision-makers to public account.
- (d) Enable the Council to provide clear leadership to the community, working in partnership with the local community, businesses and other organisations.
- (e) Encourage and support the active involvement of the local community in the process of local authority decision-making.
- (f) Help Councillors represent their constituents more effectively.
- (g) Ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions taken.
- (h) Provide the framework and structure in which cost effective quality services to the community can be delivered.

4. Interpretation and Review of the Constitution

Any interpretation of the Constitution must have regard 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

1. Composition and eligibility

(a) Composition

The Council will comprise 42 Members, otherwise called Councillors. One or more Councillors will be elected by the voters of each ward in accordance with a scheme drawn up the Electoral Commission, and approved by the Secretary of State.

Members' details, including their wards, year of retirement and membership of committees are shown in Part 7 of this Constitution.

(b) Eligibility

Only registered voters of the Borough, those living or working there, or those that occupy as tenant or owner land or property in the Borough will be eligible to hold the office of Councillor.

2. Election and terms of Councillors

The regular election of Borough Councillors will generally be held on the first Thursday in May each year (for three out of four years, with the County Council elections being held in the fourth year). The terms of office of Councillors, subject to them making a declaration of office, will start on the fourth day after their election and will finish on the fourth day after the date of the next regular election.

3. 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) Contribute to the good governance of the Borough and actively encourage community participation and involvement in the decision making process.
- (iii) Effectively represent the interests of the Council and their ward as a community leader.
- (iv) Respond to constituents' enquiries and representations, fairly and impartially and assist in the resolution of concerns and grievances.
- (v) Contribute to the governance and effective management of the Council's business at meetings of the Council and other committees.

(b) **Rights and duties.**

- (i) Councillors will have rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- (ii) Councillors will not make public, information which is confidential or exempt without the consent of the Monitoring Officer or divulge information given in confidence to anyone other than a Councillor or Officer entitled to know it. For these purposes, “confidential” and “exempt” information are defined in the Access to Information Procedure Rules in Part 4 of this Constitution.

(c) **Training**

Members must have received appropriate training in the case of the Planning Committee, the Joint Standards Committee (when considering Code of Conduct complaints), the relevant committee when determining employment related matters i.e. senior officer appointments and staff appeals, and sub-committees of the Licensing Committee.

4. Conduct

- (a) Councillors will maintain the highest standards of conduct and ethics.
- (b) Councillors will at all times observe the Codes of Conduct and Protocols set out in Part 5 of this Constitution.

5. Allowances

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

6. Political Groups

(a) **Application**

As required by law the Members of the Council are to be treated as divided into different political groups when there is at least one political group constituted in accordance with paragraph (b) below.

(b) **Constitution**

- (i) A political group shall be treated as constituted when there is delivered to the Head of Paid Service a notice in writing which –
 - a. is signed by two or more members of the Council who wish to be treated as a political group; and
 - b. complies with the provisions of paragraph (iii).

- (ii) A political group shall cease to be constituted if the number of persons who are to be treated as members of that group is less than two
- (iii) A notice under paragraph (i) shall state –
 - a. that the Members of the Council who have signed it wish to be treated as a political group;
 - b. the name of the group;
 - c. the name of one member of the group who has signed the notice and who is to act as its leader.
- (iv) A notice under paragraph (i) may specify the name of one other member of the group who has signed the notice and who is authorised to act in the place of the leader of that group.
- (v) The Local Government (Committees and Political Groups) Regulations 1990 as amended applies and its provisions are supplemental to the above.

7. Chairmen and Vice-Chairmen of Committees

(a) Chairmen and Vice-Chairmen of Committees

The Council shall appoint at each Annual Meeting of the Council the Chairman and Vice-Chairmen of all the Council's Committees.

The role of the Chairman (and in their absence, the Vice-Chairman) is as follows:

- Assume the role of Lead Member relating to matters within their committee's remit.
- Ensure effective conduct of committee meetings.
- Maintain a good understanding of the nature of the business of the committee and key issues within its remit.
- Act as a Council spokesman as appropriate on matters within the committee's remit, including responding to questions at Council relating to the business and functions of the committee, media enquiries etc.
- Maintain good communication with each other to ensure the co-ordination and efficient management of all committee activity.
- Represent the Council in connection with matters within the committee's remit, for example other local authorities etc., and positively promote the Council within the media.

The Chairmen and Vice-Chairmen shall remain in office until the Annual Meeting following their appointment unless they resign or are removed by a resolution of Council.

No Member of the Council shall be Chairman of more than one service committee.

Leader and Deputy Leader of the Council

The Chairman of the Policy Executive Committee shall also have the title of Leader of the Council and will have the following additional roles and responsibilities:

- Provide a focal point for political leadership and strategic direction for the Council
- Represent the interests of the Council
- Ensure effective decision making including working with all political groups to seek to achieve, where possible, cross party co-operation
- Be the key political contact for outside organisations (including Central Government, Local Authority Associations and Council partners) and internally for the Council's Executive Team
- Be the representative of the Council, for example, in its dealings with Central Government, other local authorities etc. and positively promote the Council within the media
- Promote the long-term financial, business and economic stability of the Council

The Vice-Chairman of the Policy Executive Committee shall also have the title of Deputy Leader of the Council and will assist the Leader of the Council generally in the conduct of the role and will assume the full role of the Leader in any circumstances in which the Leader is unable to act or is unavailable.

(b) **Procedure for Appointments**

Appointments to the positions of Chairman and Vice-Chairman of Committees shall be conducted in accordance with Council Procedure Rule 17(f) in Part 4 of this Constitution.

Article 3 - The Local Community and the Council

1. Rights of members of the local community

The rights of members of the local community are summarised in Part 1 of this Constitution and are set out in more detail in this Article. Their rights to information and to participate are explained in more detail in the Access to Information Procedure Rules in Part 4 of this Constitution.

(a) Voting and petitions

People on the Electoral Register for the Borough have the right to vote in elections in their ward and sign a petition to request a referendum for a change from one form of governance to another. For a petition to be valid to require a referendum, the number of signatures to it must equate to no less than 5% of the electorate of the area. If there is such a referendum, registered electors will have a right to vote.

(b) Other petitions

The Council has adopted a petitions scheme which is available on the Council's website. A petition can, amongst other outcomes, lead to a Council debate or the matter being considered by one of the Council's committees. The Council only accepts signatures to a petition from those who live, work or study in the Borough.

(c) Information

The public have the right to:

- (i) Attend meetings of the Council, its Committees and Sub-Committees and Panels, with the exception of working groups or forums set up outside of the committee structure, other than by invitation. However, where confidential or exempt information is likely to be disclosed the meeting, or part of the meeting, may be held in private.
- (ii) See non-confidential reports and background papers, and any records of decisions made by the Council.
- (iv) inspect the Council's accounts as published by law and the Management Letter published by the Council's External Auditor and make their views known to him.

(d) Consultation and Participation

Article 8 sets out the range of consultation and participation opportunities available to the local community. In summary, the opportunity exists for local people to:

- (i) Be consulted on proposals for service delivery.
- (ii) Ask questions at Council meetings, as set out in the Council Procedure Rules.
- (iii) Submit a petition.
- (iv) At the discretion of the Chairman of a meeting, with the exception of meetings of Council, ask questions or make a statement on a particular issue included on the agenda for that meeting.

(e) **Complaints**

Members of the local community have the right to complain to:

- (i) The Council itself under its complaints procedure either by submitting a complaint via the Council's website or by completing the Council's complaints form.
- (ii) The Local Government Ombudsman, after using the Council's own Complaints Procedure.
- (iii) The Monitoring Officer about an alleged breach of the Councillor's Code of Conduct which sets out the standards of behaviour expected of a Councillor and is contained within Part 5 of this Constitution.

They may also contact their local Councillor about any matters of concern to them.

2. Residents' responsibilities

Responsibilities of members of the public

Members of the public must not be violent, abusive or threatening to Councillors or officers and must not wilfully damage property owned by the Council, Councillors or officers.

Article 4 - The Council

1. Meanings

(a) Policy framework

The Council's policy framework means the following plans and strategies:

- The Corporate Plan
- The Basildon Sustainable Community Strategy
- Crime and Disorder Reduction Partnership Plan
- Licensing Policy
- Gambling Policy
- Plans and strategies which together comprise the Development Plan (*Section 54 of the Town and Country Planning Act 1990*)
- Development Plan Documents (*Section 15 of the Planning and Compulsory Purchase Act 2004*)
- The Local Development Scheme
- Supplementary Planning Documents

such other plans and strategies that the Council may decide or that are required by law.

(b) Budget

The budget is a statement identifying the allocation of financial resources, including capital resources, to different services and projects and to contingency provisions and reserves. The Annual Budget setting process includes the determination of such allocations, decisions on prudential indicators and the setting of the Council Tax. It also includes a review of fees and charges.

(c) Housing Land Transfer

Housing Land Transfer means the authorisation of the making of an application (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 (as amended) or to dispose of land use for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985 (as amended).

2. Functions of the Council

The functions of the Council are set out in Part 3 of this Constitution.

3. 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 Council Procedure Rules in Part 4 of this Constitution.

4. Responsibility for functions

The Council will maintain the details in Part 3 of this Constitution setting out the responsibilities for the Council's functions.

5. Setting the budget and approving policy

The process for setting of the budget and determining policy is set out in the Budget and Policy Procedure Rules in Part 4 of this Constitution.

Article 5 - Mayor of the Council

Role and function of the Mayor and Deputy Mayor of the Council

The Mayor will be elected and the Deputy Mayor will be appointed by the Council annually at the Annual Meeting and, unless they resign or become disqualified, will continue in office until a Mayor is elected at the next Annual Meeting. During their terms of office, the Mayor and Deputy Mayor will continue to be Members of the Council, notwithstanding the provisions of the Local Government Act 1972 relating to the retirement of Councillors. The Councillors who currently hold these positions are identified in Part 7 of this Constitution.

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

1. Civic and Ceremonial Role

The Mayor will attend such civic and ceremonial functions as he/she determines appropriate having regard to Council protocol, and local functions as part of supporting the community or promoting the interests of the Council and the Borough. He or she will promote public involvement in the Council's activities and will encourage the Council to engage in activities to increase the understanding of democratic processes, particularly amongst minority and disadvantaged groups and young people.

2. Chairing meetings of the Council

The Mayor will have the following responsibilities at Council meetings.

- (a) To uphold and promote the purposes of the Constitution, and to rule on its interpretation and application when necessary.
- (b) 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. 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 aims of this Constitution contained in Article 1.
- (c) To ensure that the Council meeting is a forum for the debate of matters of concern to the local community so that its business can be carried out efficiently in accordance with the law and this Constitution with regards to the rights of Councillors and the interests of the community.

3. Other responsibilities

- (a) To agree to the taking of an urgent decision that is contrary to or not wholly in accordance with the budget and/or policy framework as set out in Part 4 of this Constitution.

- (b) To call extraordinary meetings of the Council in accordance with the Council Procedure Rules at Part 4 of this Constitution.
- (c) To serve as a trustee of the Mayor's Charitable Trust.

The detailed role of the Mayor of the Council, in particular the civic responsibilities, are contained in a Civic Protocol at Part 5 of this Constitution.

Article 6 - Committees

1. Committees

The Council will establish such committees as it requires for efficient and effective decision making and as required by law. Such committees will include a Policy Executive Committee.

For matters relating to the ethics and probity of Members, for the purposes of conducting any necessary hearings and monitoring the operation of the Member Code of Conduct the Council has established a 'Joint Standards Committee'.

The Council has resolved not to establish a specific overview and scrutiny committee for the purposes of Part 1A, paragraph 9JA of the Local Government Act 2000 (as amended).

2. Roles and functions

Details of committees and any sub-committees established, and their roles and functions are set out in Part 3 of this Constitution.

3. Proceedings

Committees will conduct their proceedings in accordance with the relevant Procedure Rules set out in Part 4 of this Constitution.

4. Membership

The size, membership and the Chairmen and Vice-Chairmen of all committees and sub-committees established are set out in Part 7 of this Constitution. Allocations to committees and sub-committees comply with the proportionality provisions of the Local Government and Housing Act 1989.

5. Independent Members

The Joint Standards Committee shall include four Independent Persons (without voting rights), appointed by full Council, and the Audit and Risk Committee shall include one Independent Member (without voting rights), appointed by that Committee.

6. Sub-Committees

A sub-committee may at any time be established to assist a committee in furtherance of its role and responsibilities by either -

- (a) Council
- (b) The relevant Committee

When establishing a sub-committee, the terms of reference of any such sub-committee, its membership and the appointment of a Chairman and Vice-Chairman shall be settled.

With the exception of the Licensing Act 2003 Sub-Committee, membership of any Sub-Committee must reflect the political proportionality of the Council. Other than the Licensing Sub-Committees, membership of a sub-committee does not have to be drawn from the parent committee.

Article 7 - Standards Arrangements

The Council has established a Joint Standards Committee with all Local Councils in the Basildon Borough.

Local Councils include the following:

- Billericay Town Council
- Noak Bridge Parish Council
- Bowers Gifford and North Benfleet Parish Council
- Ramsden Crays Parish Council
- Ramsden Bellhouse Parish Council
- Shotgate Parish Council
- Great Burstead and South Green Village Council
- Little Burstead Parish Council

1. Composition

- The Joint Standards Committee consists of:
 - three Members of Basildon Borough Council
 - two Local Council representatives, and
 - four Independent Persons.
- Basildon Borough Council Members are appointed at the Annual Meeting of the Council in line with the rules on political proportionality.
- Local Council representatives are nominated by the 'Association of Basildon Local Councils' as co-opted members (with voting rights).
- Independent Persons are appointed by the Council and will not have voting rights.
- Independent Persons are appointed for a period of four years, with the option of reappointment for a further four years; no Independent Person may serve more than two terms of office.
- Group Leaders of the Council may not be members of the Joint Standards Committee.
- The Chairman of the Committee shall be a Basildon Borough Councillor appointed at the Annual Meeting of the Council.
- There will be one Vice-Chairman who shall be a Basildon Borough Councillor and shall be elected by the Committee.
- The Vice-Chairman shall deputise for the Chairman in his or her absence.

- The quorum for meetings of the Joint Standards Committee is at least three voting members, which must include one Borough Councillor and one Local Council member, and one Independent Person.
- Substitutes are permitted for Borough Council members and Local Council representatives subject to substitutes having had the required training. A Borough Councillor may only substitute for a Borough Councillor and a Local Councillor may only substitute for a Local Councillor.

2. Roles and functions of the Joint Standards Committee

The Joint Standards Committee will promote and maintain high ethical standards of conduct by Councillors. Further details on the role and functions of the Joint Standards Committee are set out in Part 3 of this Constitution.

3. Proceedings

The Joint Standards Committee will conduct its proceedings in accordance with the relevant Committee and Sub-Committee Procedure Rules set out in Part 4 of this Constitution.

Article 8 - Community Consultation and Participation

1. Community consultation and participation

The Council will promote community consultation and participation through a range of opportunities as set out in the table below and has adopted a Consultation and Engagement Policy:

| Consultation and Participation Opportunity | Form, Function and Scope |
|---|---|
| Local Councils | Autonomous local authorities within a set area able to raise funds through the Council Tax to provide local services (i.e. Town, Parish and Village Councils). |
| Community Forums | Public meetings designed to enable the Council to engage with specific sections or areas of the local community so that services are designed to meet their needs. |
| Community Panels | Organised through the Tenants' Compact as a consultation and participation opportunity for tenants and private owners of properties in estates. The Community Panels provide an opportunity for general consultation and participation by area. |
| Petitions | The Council has approved and published a Petitions Scheme detailing how it will respond to petitions received from the community. |
| Surveys and Consultations | Throughout the year a number of surveys and consultations are undertaken to seek residents' views. |
| Transport Forums | The Council operates a Rail Forum, Bus Forum and Taxi and Private Hire Forum to consult with key stakeholders. Each forum has its own terms of reference. |

Article 9 - Joint Arrangements

1. Arrangements to promote well-being

The Council may, subject to statutory restrictions:

- (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;
- (c) exercise on behalf of that person or body any functions of that person or body; and
- (d) create partnerships and partnership bodies.

2. Joint arrangements

- (a) In accordance with Section 101 of the Local Government Act 1972 (as amended), the Council may enter into joint arrangements with one or more local authorities to advise the Council on, or exercise Council functions.
- (b) Details of any joint arrangements including delegations to joint committees are detailed in Part 3 of this Constitution.

3. Access to information

The Access to Information Procedure Rules in Part 4 of this Constitution apply to functions in a joint arrangement except in so far as the arrangement itself has made provision.

4. Delegation to and from other local authorities

- (a) The Council may arrange for the discharge of its functions to another local authority, or in certain circumstances, to the Executive of another local authority.
- (b) The decision whether or not to accept a delegation from another local authority shall be reserved to the Council meeting.

5. Contracting Out

The Council may contract out to another body or organisation any functions which may be exercised by an Officer. Such functions may be contracted out where they 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 10 - Employees

Management structure

1. General

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

2. Chief Officers

The Council will employ the following Chief Officers who shall fulfil a specific statutory position as indicated in column 2 of the table below.

| Post | Statutory Position |
|-------------------------------------|--|
| Chief Executive | Head of Paid Service |
| Director of Strategy and Governance | Monitoring Officer |
| Director of Resources | Chief Financial Officer (Section 151 Officer) |

The above positions shall, together with other Director positions and such other positions as shall from time to time be deemed appropriate, form the Council's Executive Team.

3. Functions and areas of responsibility of the Executive Team

The Executive Team shall work with Councillors to develop and manage the Council's strategic direction and to ensure the delivery of agreed targets. Chief Officer posts shall have the following functions:

(a) Functions of the Head of Paid Service

(i) Overall Responsibilities

Overall corporate management and operational responsibility for the Council (including overall management responsibility for all employees). The provision of professional advice to all parties in the decision making process and, 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 either as required by statute or by the Council.

(ii) **Discharge of functions by the Council**

The Head of Paid Service will report to Council, whenever he or she considers it appropriate, on how the Council's functions are discharged, the number and grade of Officers required to discharge the functions and how Officers are organised into an overall Officer structure.

(iii) **Restrictions on position**

The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Financial Officer if appropriately qualified.

(iv) **Structure**

The Head of Paid Service will determine and publicise a description of the overall Officer structure of the Council showing the management structure and deployment of Officers.

(b) **Functions of the Monitoring Officer**

(i) **Monitoring, reviewing and maintaining the Constitution**

In addition to monitoring and reviewing the Constitution, as set out in Article 13, the Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is available for viewing at Council offices, local libraries and other appropriate locations, and also on the Council's website.

(ii) **Ensuring lawfulness and fairness of decision making**

After consulting with the Head of Paid Service and Chief Financial Officer, the Monitoring Officer will report to the Council, 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 placing a stop on the proposal or decision being implemented until the report has been considered.

(iii) **Supporting the Joint Standards Committee**

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

(iv) **Conducting investigations and undertaking other action**

The Monitoring Officer will conduct investigations or undertake other action in respect of matters referred to him/her by the Joint Standards Committee (within the provisions set out in Part 3 of this Constitution).

(v) **Proper Officer for access to information**

The Monitoring Officer will ensure that decisions, together with the reasons for those decisions and relevant Officer reports and background papers, are made publicly available as soon as possible.

(vi) **Advising whether decisions are within the budget and policy framework**

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

(vii) **Providing advice**

The Monitoring Officer will provide advice to all Councillors on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues. The Chief Financial Officer has similar responsibilities.

(viii) **Membership of Committees**

The Monitoring Officer will give effect to the wishes expressed by political groups on any changes to any memberships on committees throughout the year, with him reporting to each Council meeting any changes that have been made since the previous meeting.

(ix) **Restrictions on position**

Neither the Head of Paid Service nor the Chief Financial Officer can be the Monitoring Officer.

(x) **Mayor's Charitable Trust**

To serve as a Trustee of the Mayor's Charitable Trust.

(c) **Functions of the Chief Financial Officer**

(i) **Ensuring lawfulness and financial prudence of decision making**

After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Financial Officer will report to the Council and to 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.

(ii) **Administration of financial affairs**

The Chief Financial Officer will have responsibility for the administration of all the financial affairs of the Council, including those

contained in Schedule 4 of Part 3 of this Constitution.

(iii) **Internal audit**

The Chief Financial Officer will have responsibility for the provision of an effective internal audit function.

(iv) **Providing advice**

The Chief Financial Officer will provide advice to all Councillors on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues, and will support and advise Councillors and Officers in their respective roles. The Monitoring Officer has similar responsibilities.

(v) **Give financial information**

The Chief Financial Officer will be responsible for the provision of financial information to the media, members of the public and the community.

(vi) **Mayor's Charitable Trust**

To serve as a Trustee of the Mayor's Charitable Trust.

(d) **Duty to provide sufficient resources to the Head of Paid Service, Monitoring Officer and Chief Financial Officer.**

The Council will provide the Head of Paid Service, Monitoring Officer and Chief Financial Officer with such Officers, accommodation and other resources sufficient to allow their duties to be performed.

(e) **Conduct**

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

(f) **Employment**

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

Article 11 - Decision Making

1. Responsibility for decision making

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

2. Principles of decision making

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

- (a) Proportionality (i.e. the action should be proportionate to the desired outcome).
- (b) Due consideration of all relevant factors and options, taking into account the results of any consultation undertaken and the professional advice of Officers.
- (c) Respect for human rights and equal opportunity.
- (d) A presumption in favour of openness.
- (e) Clarity of aims and desired outcomes.

3. Type of decision

- (a) Decisions Reserved to Council - Decisions relating to the functions of Council, as set out in Part 3, will be made by the Council and will not be delegated.
- (b) Decisions made by committees appointed by the Council – power to make such decisions is delegated by the Council as set out in the terms of reference contained in Part 3 of this Constitution, in accordance with Section 101 of the Local Government Act 1972.
- (c) Decisions made by sub-committees appointed either by Council or the main committees with power delegated to them to make decisions in accordance with the terms of reference contained in Part 3 of the Constitution.
- (d) Decisions made by officers in accordance with the scheme of delegation contained in Part 3 of the Constitution.

4. Decision making by the Council

Subject to the general principles contained in this Article, the Council meeting will follow the Council Procedure Rules set out in Part 4 of this Constitution when considering any matter.

5. Decision making by other committees established by the Council

Subject to the general principles contained in this Article, other Council committees and sub-committees will follow the Procedure Rules relating to Committees and Sub-Committees set out in Part 4 of this Constitution when considering any matter.

6. 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.

6. Access to information

The Access to Information Procedure Rules in Part 4 of this Constitution apply to decisions taken under this Article.

Article 12 - Financial Management, Contracts and Legal Matters

1. Financial management

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

2. Contracts

Every contract made by the Council will comply with the Contracts Procedure Rules set out in Part 4 of this Constitution.

3. Legal proceedings

The Solicitor to the Council, unless otherwise indicated, is authorised to institute, defend, negotiate or participate in any legal proceedings (including potential or prospective proceedings) in any case where such action is necessary to give effect to decisions of the Council, or in any case where the Solicitor to the Council considers that such action is necessary to protect the Council's interests.

4. Authentication of documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Solicitor to the Council, 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 shall be entered into on behalf of the authority will be in accordance with the Contract Procedure Rules set out in Part 4 of this Constitution. Such contracts must either be signed by at least two Officers of the Authority authorised by the Chief Executive or made under the Common Seal of the Council attested by at least one Officer.

5. Common Seal of the Council

The Common Seal of the Council will be kept in the safe custody of the Solicitor to the Council. A decision of the Council, a Committee or Sub-Committee of the Council or a delegated decision by an officer 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 Solicitor to the Council should be sealed and shall be attested by at least one of the following persons, namely the Solicitor to the Council, a Director, the Monitoring Officer, the Chief Financial Officer, or the Chief Executive and an entry of every sealing of a document shall be made and consecutively numbered in a book to be provided for the purpose and shall be signed by the person who shall have attested the seal. Such documents will include those relating to works contracts, leases, transfers and bylaws.

Article 13 - Review and Revision of the Constitution

1. Duty to monitor and review the Constitution

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect and will make recommendations for ways in which it could be amended in order to better achieve the purposes set out in Article 1.

In undertaking this task the Monitoring Officer may:

- (a) Observe meetings of different parts of the Member and Officer structure.
- (b) Undertake an audit trail of a sample of decisions.
- (c) Record and analyse issues raised with him/her by Members, Officers, the public and other relevant stakeholders.
- (d) Compare practices in the Authority with those in other comparable Authorities, or national examples of best practice.

and recommend changes to the Constitution.

2. Changes to the Constitution

Changes to the Constitution may take place in the following ways:

- (a) The Monitoring Officer is to publish and maintain the Constitution with authority to correct anomalies, errors, inconsistencies and changes which do not have any material effect, and to make textual changes which may arise from any decision the Council might make on any matter or changes to the law.
- (b) By Council, or the relevant Committee, where specific provision exists elsewhere within the Constitution.

Article 14 - Suspension, Interpretation and Publication of the Constitution

1. Suspension of the Constitution

(a) Limit to suspension

The Articles of this Constitution may not be suspended. The Rules of Procedure relating to meetings of the Council, Committees and Sub-Committees may be suspended to the extent permitted within those Rules and the law.

(b) Procedure to suspend

A motion to the Council 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 aims of the Constitution set out in Article 1.

2. Interpretation

The ruling of the Mayor of the Council as to the interpretation 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.

3. Publication

The Monitoring Officer will:

- (a) make available an electronic copy of this Constitution to each Member of the Authority upon delivery to him/her of that individual's declaration of Acceptance of Office on the Member first being elected to the Council. Any revisions to this Constitution will be provided at the earliest opportunity.
- (b) ensure that copies of the Constitution are available for inspection on the Council's website, at the authority's offices and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.
- (c) ensure that the summary of the Constitution is made available without charge and is updated as necessary.

PART 3

RESPONSIBILITY FOR FUNCTIONS

Responsibility for Functions

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Responsibility for Functions - Introduction

The Council may make arrangements under Section 101 of the Local Government Act 1972 (as amended) for the discharge of any of its functions, except where legislation prescribes that Section 101 shall not apply, by:

- (a) a committee
- (b) a sub-committee
- (c) a joint committee
- (d) another local authority, or
- (e) an officer

Under the Local Government Act 1972, there is no statutory power to delegate the exercise of any function of the authority to an individual Councillor.

Such arrangements are set out in Part 2 of this Constitution and as follows in this Part 3 with:

- Schedule 1 - The role and functions of Council and delegated powers of committees appointed at the Annual Council Meeting and of sub-committees established.
- Schedule 2 - The delegation of Council functions to officers.
- Schedule 3 - The "Proper Officer" provisions.
- Schedule 4 - Joint arrangements.

In the case of all delegation of functions, a Committee or Sub-Committee or officer may determine not to exercise a function delegated to them and refer the decision back to Council or the relevant Committee.

Schedule 1 - The Role and Functions of Council and Delegated Powers of Committees and Sub-Committees

General delegated powers of Committees and Sub-Committees

1. Committees are expected to determine by resolution all matters falling within their powers and duties as set in this section, with the exception of:
 - major policy changes or initiatives as set out in the Budget and Policy Procedure Rules of this Constitution
 - decisions which would have a direct effect on the majority of the Borough's residents
 - asset management matters, including property acquisitions and disposals
 - compulsory purchase orders
 - limitations set out in Financial Regulations and Contract Procedure Rules.

which shall be recommended to the Policy Executive Committee or Urgent Decision and Staffing Sub-Committee as appropriate, except in cases of urgency when the Urgent Decision Procedure Rules set out in this Constitution shall apply.

In instances where it is uncertain whether any matter needs to be referred to the Policy Executive Committee or Council, the Chief Executive, Monitoring Officer or Chief Financial Officer as appropriate to make the determination.

2. In instances where a function does not clearly fall within the remit of one particular service committee, the Policy Executive Committee shall direct which committee should deal with the function, or deal with the matter itself.
3. Each committee is authorised to establish sub-committees and working groups as it considers necessary for effective conduct of the committee's powers and duties. The establishment of any sub-committees shall have regard to the overall resource parameters and advice of the Chief Executive and Officers.
4. Each committee is authorised to delegate to officers such further powers as it thinks fit to facilitate the effective management of the Council's and the committee's business.
5. In discharging its functions, committees must have regard to the ongoing requirement to make savings and efficiencies
6. Powers and duties of committees are subject to the general instructions which contain the framework within which such delegations must be exercised as follows:

- (a) exercised and performed on behalf of and in the name of the Council;
- (b) subject to the directions of the Council or Committee as appropriate;
- (c) subject to powers and duties reserved for confirmation by the Council;
- (d) exercised within the limits of the Council's approved policies and budget;
and
- (e) in accordance with the Council's financial regulations and contract procedure rules.

Council

Only Council shall discharge the following functions:

1. Approving or adopting (with or without modification) any plans and strategies that form the Council's policy framework, as set out in Article 4.
2. Approval of draft proposals for public consultation associated with the preparation or alteration or replacement of the Development Plan.
3. Approving the overall budget and council tax as set out in Article 4 of this Constitution.
4. Approving any application to the Secretary of State in respect of any Housing Land Transfer as set out in Article 4 of this Constitution.
5. Adopting or modifying a plan or strategy for the control of the authority's borrowing, investments or capital expenditure and determination of the Council's Debt Repayment Policy.
6. Approving, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, of any plan or strategy (whether or not in the form of a draft).
7. Approving, 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.
8. Except in circumstances where the determination may reasonably be regarded as urgent, the making of decisions about any matter in connection with the discharge of a function where the Policy Executive Committee is minded to determine the matter contrary to or not wholly in accordance with the policy framework, a plan, or strategy approved by the Council or the budget and is not authorised by the financial regulations, Constitution or other rules and procedures to make a determination in those terms.
9. Agreeing and/or amending the terms of reference for Council Committees, deciding on their composition and making appointments or approving a process of appointment to them.
10. Electing a Mayor and appointing a Deputy Mayor; and appointing Chairmen and Vice-Chairmen of Council Committees.
11. Confirming the appointment or dismissal of the Head of Paid Service.
12. Confirming the dismissal of the Chief Financial Officer and Monitoring Officer.
13. Adopting a Members' Allowances Scheme under Article 2(5) of this Constitution.
14. Considering petitions in accordance with the Council's petition scheme.

15. Power to change the name of the district.
16. Power to confer the title of honorary alderman or to award Freedom of the Borough to individuals or organisations.
17. Electoral matters including division of the Parliamentary Constituency into polling districts and Boundary or re-organisation proposals
18. Power to promote or oppose local or personal bills.
19. Approval of any severance payments over £100,000.
20. Power to dissolve parish councils.
21. Power to make orders for grouping parishes, dissolving groups and separating parishes from groups.
22. Making a request under section 14(1) (requests for single-member electoral areas) of the Local Government Act 1992.
23. Passing a resolution to change a scheme of elections under section 32(1), 37(1) or 39(1) (resolutions for scheme of elections) of the Local Government and Public Involvement in Health Act 2007.
24. Passing a resolution under section 9 of the Local Government Act 2000 (as amended) to change the Council's governance arrangements.
25. Power to make an order giving effect to recommendations made in a community governance review under section 86 of the Local Government and Public Involvement in Health Act 2007.
26. All other matters which, by law, must be reserved to Council.

Policy Executive Committee

1. The Committee has delegated authority to exercise the Council's functions relating to the delivery, by or on behalf of the Council and through any partnership arrangements that fall within the following areas:
 - Council Strategy & Corporate Plan
 - Legal and Democracy
 - Human Resources & Organisational Development
 - Communications
 - Customer Services
 - ICT & Digital
 - Corporate Health and Safety
 - Strategic Corporate Asset Management
 - Strategic Partnerships
2. Development, approval and review of policy within the Committee's remit, subject to requirement to make recommendations to Full Council as set out in the Budget and Policy Procedure Rules.
3. To consider any matters within the Committee's remit which affect the residents of the Borough.
4. Contributing to the budget setting process as set out in the Budget and Policy Procedure Rules set out in this Constitution.

The Committee shall also exercise the following specific functions by or on behalf of the Council:

5. Appointing members to a range of external bodies and the revocation of such appointments, should this be required between Annual Meetings.
6. If appropriate, taking decisions where the function does not clearly fall within the remit of one particular committee, or directing which committee should deal with the function.
7. Approval of policies, plans and strategies recommended by committees in accordance with the Budget and Policy Procedure Rules of this Constitution.
8. Approve the making of Compulsory Purchase Orders.
9. Approval of property acquisitions and disposals that do not fall within approved strategy and budget.
10. To approve revisions to the Council's schedule of polling places.
11. To make payments or provide other benefits in cases of maladministration etc. under Section 92 of the Local Government Act 2000.

12. To appoint staff in accordance with the Officer Employment and Disciplinary Procedure Rules, and to determine the terms and conditions on which they hold office (including procedures for their dismissal) under Section 112 of the Local Government Act 1972 and to undertake functions relating to local government pensions.
13. To appoint officers for particular purposes (appointment of “proper officers”) under Section 170 of the Local Government Act 1972 (as amended).
14. To designate an officer as the head of the authority’s paid services, and to provide staff, etc. under Section 4 of the Local Government and Housing Act 1989.
15. To make arrangements for proper administration of financial affairs etc. under Section 151 of the Local Government Act 1972.
16. To designate an officer as the Monitoring Officer, and to provide staff, etc. under Section 5 of the Local Government and Housing Act 1989.
17. Appointment of the Council’s Independent Remuneration Panel and responsibility for co-ordination of reviews, as appropriate.
18. All matters relating to Community Governance reviews.
19. Undertake all functions associated with the Council's role as Shareholder in its companies.

Urgent Decision and Staffing Sub-Committee

(a sub-committee of the Policy Executive Committee)

1. To have all the powers and duties of the Policy Executive Committee and other service committees but only to be exercised when a decision is urgently required in accordance with the Urgent Decision Procedure Rules of this Constitution.
2. To consider the appointment, disciplinary action or dismissal of the Council's senior officers in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended) and as set out in the Officer Employment and Disciplinary Procedure Rules set out in Part 4 of this Constitution.
3. To make recommendations to Council as to the appointment of the Head of Paid Service.
4. To deal with appeals from Council staff where the Council's disciplinary, capability and related procedures, as adopted from time to time, allow a right of appeal to Elected Members in respect of disciplinary action.
5. If directed by Council to do so in respect of a particular financial year, to exercise the Council's functions, powers and duties relating to the formal acceptance of Council Tax precepts from major precepting authorities and the setting of the overall Council Tax for the year.

Resources and Commercial Committee

1. The Committee has delegated authority to exercise the Council's functions relating to the delivery, by or on behalf of the Council and through any partnership arrangements that fall within the following areas:

- Financial Management and Accounting
- Treasury Management
- Commercial and Procurement
- Revenues and Benefits
- Commercial Assets

(subject to those matters to be recommended to the Policy Executive Committee as set out in the 'General delegated powers of Committees and Sub-Committees' and excluding any matters that specifically fall within the functions of other committees of the Council)

2. Development, approval and review of policy within the Committee's remit, subject to requirement to make recommendations to the Policy Executive Committee and Full Council as set out in the Budget and Policy Procedure Rules.

3. To consider any matters within the Committee's remit which affect the residents of the Borough.

4. Contributing to the budget setting process as set out in the Budget and Policy Procedure Rules set out in this Constitution.

The Committee shall also exercise the following specific functions by or on behalf of the Council:

5. Approval of the budget as set out in Article 4 to be recommended to Council in accordance with the Budget and Policy Procedure Rules of this Constitution.

6. Approval of unlimited expenditure subject to it being within the overall budget framework.

Enforcement and Public Order Committee

1. The Committee has delegated authority to exercise the Council's functions relating to the delivery, by or on behalf of the Council and through any partnership arrangements that fall within the following areas:

- All Council Enforcement
- Community Safety
- Anti-Social Behaviour
- Development Control
- Police Liaison
- CCTV

(subject to those matters to be recommended to the Policy Executive Committee as set out in the 'General delegated powers of Committees and Sub-Committees' and excluding any matters that specifically fall within the functions of other committees of the Council)

2. Development, approval and review of policy within the Committee's remit, subject to requirement to make recommendations to the Policy Executive Committee and/or Resources and Commercial Committee and Full Council as set out in the Budget and Policy Procedure Rules.

3. To consider any matters within the Committee's remit which affect the residents of the Borough.

4. Contributing to the budget setting process as set out in the Budget and Policy Procedure Rules set out in this Constitution.

5. To perform the Council's statutory scrutiny duties relating to crime and disorder in accordance with the Crime and Disorder Act 1998.

Housing and Estate Renewal Committee

1. The Committee has delegated authority to exercise the Council's functions relating to the delivery, by or on behalf of the Council and through any partnership arrangements that fall within the following areas:

- Housing Choice
- Housing Management Services
- Housing Asset Management
- Housing Property Services
- Private Sector Housing
- Housing Development Programme (HRA and Sempra Homes)
- Estate Management & Renewal
- Building Control

(subject to those matters to be recommended to the Policy Executive Committee as set out in the 'General delegated powers of Committees and Sub-Committees' and excluding any matters that specifically fall within the functions of other committees of the Council)

2. Development, approval and review of policy within the Committee's remit, subject to requirement to make recommendations to the Policy Executive Committee and/or Resources and Commercial Committee and Full Council as set out in the Budget and Policy Procedure Rules.

3. To consider any matters within the Committee's remit which affect the residents of the Borough.

4. Contributing to the budget setting process as set out in the Budget and Policy Procedure Rules set out in this Constitution.

Communities and Wellbeing Committee

1. The Committee has delegated authority to exercise the Council's functions relating to the delivery, by or on behalf of the Council and through any partnership arrangements that fall within the following areas:

- Health and Wellbeing
- Community Involvement
- Community Cohesion
- Public Health
- Community Centres and Public Halls
- Arts and Heritage Services
- Youth Services
- Twinning Partnerships

(subject to those matters to be recommended to the Policy Executive Committee as set out in the 'General delegated powers of Committees and Sub-Committees' and excluding any matters that specifically fall within the functions of other committees of the Council)

2. Development, approval and review of policy within the Committee's remit, subject to requirement to make recommendations to the Policy Executive Committee and/or Resources and Commercial Committee and Full Council as set out in the Budget and Policy Procedure Rules.

3. To consider any matters within the Committee's remit which affect the residents of the Borough.

4. Contributing to the budget setting process as set out in the Budget and Policy Procedure Rules set out in this Constitution.

Regeneration and Economic Development Committee

1. The Committee has delegated authority to exercise the Council's functions relating to the delivery, by or on behalf of the Council and through any partnership arrangements that fall within the following areas:

- Town Centre Regeneration
- Regeneration and Development
- Economic Development
- Education and Skills
- Employment
- Business Engagement

(subject to those matters to be recommended to the Policy Executive Committee as set out in the 'General delegated powers of Committees and Sub-Committees' and excluding any matters that specifically fall within the functions of other committees of the Council)

2. Development, approval and review of policy within the Committee's remit, subject to requirement to make recommendations to the Policy Executive Committee and/or Resources and Commercial Committee and Full Council as set out in the Budget and Policy Procedure Rules.

3. To consider any matters within the Committee's remit which affect the residents of the Borough.

4. Contributing to the budget setting process as set out in the Budget and Policy Procedure Rules set out in this Constitution.

Leisure and Environment Committee

1. The Committee has delegated authority to exercise the Council's functions relating to the delivery, by or on behalf of the Council and through any partnership arrangements that fall within the following areas:

- Climate Change
- Waste Services
- Leisure, Sport and Countryside
- Street Cleansing
- Environmental Health
- Licensing
- Land Charges
- Arboriculture Services
- Parking
- Parks, Allotments, Playgrounds and Cemeteries
- Theatre

(subject to those matters to be recommended to the Policy Executive Committee as set out in the 'General delegated powers of Committees and Sub-Committees' and excluding any matters that specifically fall within the functions of other committees of the Council)

2. Development, approval and review of policy within the Committee's remit, subject to requirement to make recommendations to the Policy Executive Committee and/or Resources and Commercial Committee and Full Council as set out in the Budget and Policy Procedure Rules.

3. To consider any matters within the Committee's remit which affect the residents of the Borough.

4. Contributing to the budget setting process as set out in the Budget and Policy Procedure Rules set out in this Constitution.

Strategic Planning and Infrastructure Committee

1. The Committee has delegated authority to exercise the Council's functions relating to the delivery, by or on behalf of the Council and through any partnership arrangements that fall within the following areas:
 - Planning Policy (including Local Plan)
 - Strategic Planning
 - Neighbourhood Planning
 - Joint Strategic Planning
 - Energy Infrastructure
 - Travel and Transport

(subject to those matters to be recommended to the Policy Executive Committee as set out in the 'General delegated powers of Committees and Sub-Committees' and excluding any matters that specifically fall within the functions of other committees of the Council)
2. Development, approval and review of policy within the Committee's remit, subject to requirement to make recommendations to the Policy Executive Committee and/or Resources and Commercial Committee and Full Council as set out in the Budget and Policy Procedure Rules.
3. To consider any matters within the Committee's remit which affect the residents of the Borough.
4. Contributing to the budget setting process as set out in the Budget and Policy Procedure Rules set out in this Constitution.

Scrutiny Committee

1. To undertake performance of the Council's functions that fall across the remit of Service Committees.
2. To consider any matter subject to decision review in accordance with the provisions of the Decision Review Procedure Rules.
3. To consider and comment on policies and strategies being reviewed and updated by Service Committees.

Planning Committee

The Planning Committee has the full delegated authority to exercise the following functions of the Council:

1. Power to determine application for planning permission in accordance with Sections 58, 58A, 70 72, 73, 75, 91, 92 and 93 of the Town and Country Planning Act 1990.
2. Power to grant planning permission for development already carried out in accordance with Section 73A of the Town and Country Planning Act 1990.
3. Power to decline to determine applications for planning permission in accordance with Section 70A, 70B and 70C of the Town and Country Planning Act 1990.
4. Duties relating to the making of determinations of planning applications, appeal and enforcement action in accordance with Sections 65, 69, 71, 71A, 74 74A , 76, 78, 79, 95, 96A, 172A, 173A, 188, 196B and 197 of the Town and Country Planning Act 1990 and the Development Management Procedure Order 2015 (SI 2015/0595) and directions made thereunder.
5. Power to determine application for planning permission made by a local authority, alone or jointly with another person in accordance with Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (SI 1992/1492).
6. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights in accordance with Part 3 of the Town and Country Planning Act 1990. The Development Management Procedure Order 2015 (SI 2015/0595).
7. Power to enter into, modify and discharge of an agreement regulating development or use of land in accordance with Section 106 and S106A of the Town and Country Planning Act 1990.
8. Power to issue a certificate of existing or proposed lawful use or development in accordance with Sections 191 and 192 of the Town and Country Planning Act 1990.
9. Power to serve a completion notice in accordance with Section 94 & 95 of the Town and Country Planning Act 1990.
10. Power to grant consent for the display of advertisements in accordance with Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992.
11. Power to authorise entry onto land in accordance with Section 196A of the Town and Country Planning Act 1990 and Section 88 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.

12. Power to require the discontinuance of a use of land in accordance with Section 102 of the Town and Country Planning Act 1990.
13. Power to serve a planning contravention notice, breach of condition notice or stop notice in accordance with Sections 171C, 183, 184 and 187A of the Town and Country Planning Act 1990.
14. Power to obtain a planning enforcement order in accordance with Section 171BA and 171BB of the Town & Country Planning Act 1990.
15. Power to issue a temporary stop notice in accordance with Section 171E and 171F of the Town and Country Planning Act 1990.
16. Power to issue an enforcement notice in accordance with Section 172 and 173 of the Town and Country Planning Act 1990.
17. Power to apply for an injunction restraining a breach of planning control in accordance with Section 187B of the Town and Country Planning Act 1990.
18. Power to enter land, carry out steps required by an enforcement notice and recover expenses reasonably incurred in accordance with Section 178 of the Town and Country Planning Act 1990.
19. Power to require proper maintenance of land in accordance with Section 215 of the Town and Country Planning Act 1990.
20. Power to revoke or modify planning permission or permission in principle in accordance with Sections 97, 98 and 99 of the Town & Country Planning Act 1990.
21. Power to determine applications for hazardous substances consent, and related powers in accordance with Sections 9, 10, 13, 14, 17, 18, 19, 24 and s24A of the Planning (Hazardous Substances) Act 1990.
22. Power to determine application for listed building consent, and related powers. Sections 8, 16, 17, 18, 19, 23, 24, 25, 26H, 28, 28A, 28B, 29, 31 and 33 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
23. Duties relating to applications for listed building consent in accordance with Sections 10, 11, 12, 13, 15 and 67 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 and the Town and Country Planning (Listed Buildings and Conservation Areas) Regulations 1990 (SI 1990/1519).
24. Power to serve a building preservation notice, and related powers in accordance with Sections 3 and 4 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
25. Power to issue enforcement notice in relation to demolition of listed building in conservation area in accordance with Section 38 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.

26. Powers to acquire a listed building in need of repair and to serve a repairs notice in accordance with Sections 47 and 48 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
27. Power to execute urgent works and related powers in accordance with Section 54 and 55 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
28. Power to apply for an injunction in relation to a listed building in accordance with Section 44A of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
29. Power to authorise stopping up or diversion of highway in accordance with Section 247 of the Town and Country Planning Act 1990.
30. Power to authorise direct action as a result of non-compliance relating to Notices served under the Listed Buildings and Conservation Areas Act 1990 (as amended) and the Town and Country Planning Act 1990 (as amended).

Licensing Committee

All licensing and registration functions (except those retained by the Licensing Committee as detailed below) are delegated to the Licensing Act 2003 Sub-Committee, the Miscellaneous Licensing Sub-Committee or the Gambling Act 2005 Sub-Committee as detailed in those sub-committee's terms of reference, and otherwise to the appropriate Director.

1. To issue licences authorising the use of land as a caravan site ("site licences") in accordance with Section 3(3) of the Caravan Sites and Control of Development Act 1960 (as amended).
2. To license the use of moveable dwellings and camping sites in accordance with Section 269(1) of the Public Health Act 1936.
3. To license and regulate hackney carriages in accordance with Section 37 of The Town Police Clauses Act 1847, as extended by Section 171 of the Public Health Act 1875 (as amended), and Section 15 of the Transport Act 1985 and Sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (as amended).
4. To license and regulate private hire vehicles in accordance with Sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (as amended).
5. To license and regulate drivers of hackney carriages and private hire vehicles in accordance with Section 47 of the Town Police Clauses Act 1847 as extended by section 171 of the Public Health Act 1875, Section 15 of the Transport Act 1985 and Sections 51, 53, 54, 57, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (as amended).
6. To license and regulate operators of private hire vehicles in accordance with Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (as amended).
7. To appoint hackney carriage stands in accordance with Section 63 of the Local Government (Miscellaneous Provisions) Act 1976 (as amended).
8. To undertake any function of the Licensing Authority as set out in Sections 5 to 8 of the Licensing Act 2003.
9. To exercise the powers and functions relating to late night levy requirements in accordance with Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 and any regulations made under that Chapter.

10. To exercise the powers contained within the Gambling Act 2005, including:
 - (a) The power to resolve not to issue a casino premises licence (Section 166);
 - (b) Duty to comply with requirement to provide information to the Gambling Commission (Section 29);
 - (c) Functions relating to exchange of information (Section 30);
 - (d) Functions relating to occasional use notices (Section 39);
 - (e) Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises (Section 304);
 - (f) Power to make an order disapplying section 279 or 282(1) of the Gambling Act 2005 in relation to specified premises
 - (g) Power to institute criminal proceedings (Section 346f);
 - (h) Power to exchange information (Section 350);
 - (i) Functions relating to the determination of fees for premises licences in accordance with The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 (as amended).
 - (j) Functions relating to the registration and regulation of small society lotteries in accordance with Part 5 of Schedule 11 to the Gambling Act 2005.
11. To license sex establishments, in accordance with Section 2 of, and Schedule 3(b) to, the Local Government (Miscellaneous Provisions) Act 1982 (as amended).
12. To license performances of hypnotism under the Hypnotism Act 1952 (as amended).
13. To register persons and premises for acupuncture, tattooing, ear piercing, electrolysis and semi-permanent make up in accordance with Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended).
14. To license market and street trading in accordance with Part 3 of, and Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended).
15. To register and license premises for the preparation of food in accordance with Section 19 of the Food Safety Act 1990.
16. To license scrap metal dealers in accordance with Section 1 of the Scrap Metal Dealers Act 2013.
17. To license pet shops, dog breeding establishments, boarding establishments and riding establishments (which are kept for the purposes of carrying on a business) in accordance with Section 1 of the Pet Animals Act 1951, Section 1 of the Animal Boarding Establishments Act 1963, the Riding Establishments Act 1964 and 1970,

Section 1 of the Breeding of Dogs Act 1973 and 1991, and Sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.

18. To license zoos in accordance with Section 1 of the Zoo Licensing Act 1981.
19. To license keepers of dangerous wild animals in accordance with Section 1 of the Dangerous Wild Animals Act 1976.
20. To license persons to collect for charitable and other causes in accordance with Section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916 and Section 2 of the House to House Collections Act 1939.
21. To issue pleasure boat operator, boatman and boat licences in accordance with the Public Health Acts (Amendment) Act 1907.
22. To fix the table of fares for hackney carriages in accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 (as amended).
23. The determination of licensing conditions and criteria guidelines.
24. Duty to enforce Chapter 1 and regulations made under it in relation to smoke-free premises in accordance with the Health Act 2006.
25. Subject to statutory consultation requirements to:
 - (a) Apply set fees under the Licensing Act 2003 and the Gambling Act 2005 and insofar as at any time discretionary fees are required to be set under those Acts, to set those fees;
 - (b) Set discretionary licence fees and charges relating to all other functions, matters and statutory regimes that fall within the remit of the Licensing Committee.
26. To review and consider all policies related to those areas within the remit of Licensing Committee, including recommendation to Council of the policies under the Licensing Act 2003 and the Gambling Act 2005, in accordance with the Council's budget and policy procedure rules

Licensing Act 2003 Sub-Committee

To consider applications for licences where representations have been received and not withdrawn, and applications for the review of licences, covered by the Licensing Act 2003 as follows:

1. Application for Premises Licence
2. Application for Provisional Statement
3. Application for Variation of Premises Licence
4. Application to vary Designated Premises Supervisor following police objection
5. Application for Transfer of Premises Licence following police objection
6. Consideration of police objections made to interim Authority Notice
7. Determination of Application for Club Premises Certificate
8. Determination of Application to vary Club Certificate
9. Decision to give counter notice following police objection to temporary event notice
10. Application for grant of personal licence following police objection
11. Revocation of Licence where convictions came to light after grant etc.
12. Application for review of premises licence
13. Application for review of Club Premises Certificate
14. Review following Closure Order

Gambling Act 2005 Sub-Committee

To consider applications for licences, where representations have been received and not withdrawn, and applications for the review of licences, covered by the Gambling Act 2005, as follows:

1. Application for Premises Licence
2. Application for Variation of Licence
3. Application for Transfer of a Licence
4. Application for a Provisional Statement
5. Review of a Premises Licence
6. Application for Club Gaming/Club Machine Permit
7. Cancellation of a Club Gaming/Club Machine Permit
8. Decision to give a Counter Notice to a Temporary Use Notice (Section 224)
9. Matters referred to the Sub-Committee by Officers
10. Application for Prize Gaming Permit
11. Application for Family Centre Gaming Machine Permit

Miscellaneous Licensing Sub-Committee

To consider and determine matters relating to all licences, consents, registrations and certificates that fall within the terms of reference of the Licensing Committee, except where:

1. The function relates to the Licensing Act 2003 or the Gambling Act 2005;
2. The function falls within the terms of reference of another sub-committee, board or body; or
3. The function has been delegated to officers of the Council.

Audit and Risk Committee

1. Duty to approve the authority's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be).
2. To provide independent assurance to the Council of the adequacy of the overall corporate governance and internal control environments including the associated approach to risk management, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weaknesses in the control environment, as well as to oversee the financial reporting process.
3. To consider the effectiveness of the authority's overall governance and control environment, risk management and anti-fraud and corruption arrangements.
4. To review and approve the Council's Local Code of Corporate Governance and the Annual Governance Statement.
5. To review and approve the organisations Risk Management Policy and the Counter Fraud Policy.
6. To seek assurance that action is being taken on risk related issues identified by Internal and External Audit and Inspections.
7. To consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
8. Annual adoption of the Council's RIPA Policy (Regulation of Investigatory Powers Act) and consideration of a summary of any RIPA authorised operations conducted within the previous 12 month period.
9. To be responsible for effective scrutiny of the Council's treasury management strategy and policies.
10. To ensure that the authority's assurance statements, including the Statement on Internal Control, properly reflect the risk environment and any actions to improve it.
11. To approve (but not direct) the Internal Audit Strategy, Plan, and monitor the performance.
12. To receive reports on the performance of Internal Audit together with their key findings, seeking assurance that action has been taken where necessary.
13. To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations, as appropriate.
14. To consider reports of External Audit and Inspection Agencies.
15. 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.

16. To review the financial statements, External Auditor's opinion and reports to Members and monitor management action in response to the issues raised by External Audit.
17. To review arrangements for Strategic Risk Management and monitor the key corporate risks.
18. To consider the Council's Anti-Fraud and Corruption arrangements.
19. To report annually to Council on their work over the past year and make recommendations for future work programmes and proposals for amended working methods if appropriate.
20. To appoint an independent member to the Audit and Risk Committee.

Schedule 2 - Scheme of Delegation to Council Officers

Introduction

This scheme has been adopted by the Council and is the list of delegations to officers under Section 101 of the Local Government Act 1972 (as amended) and all other powers enabling delegations to officers. It is adopted with the intention of giving a clear transparent, effective and accountable decision-making process.

1. Officers may only exercise the delegated powers in this scheme in accordance with:
 - (a) Statutory or other legal requirements, statutory guidance and statutory codes of practice.
 - (b) The Constitution of the Council including contract procedure rules and financial regulations.
 - (c) The revenue and capital budgets of the Council, subject to any variation thereof which is permitted by the Council's financial regulations.
 - (d) Consideration of the Council's policies.
2. Officers may not exercise delegated powers where:
 - (a) The matter is reserved to the Council by law or by the Council's Constitution
 - (b) The matter is a function which cannot by law be discharged by an officer
 - (c) The Council, a committee or sub-committee has determined that the matter should be discharged otherwise than by an officer
3. Where an officer has delegated powers, the Council or a committee or sub-committee (as appropriate) can still exercise that power if it considers it is appropriate to do so.
4. Officers may not exercise delegated powers in a way which is contrary to the policies and plans approved by or on behalf of the Council.
5. The delegation of power to officers is underpinned by the principle and culture of consultation and liaison with Members as appropriate, i.e. matters of significant public interest, highly controversial etc. and the ability for officers to refer matters to the appropriate committee or sub-committee, where this is felt to be appropriate due to the nature of the issue.
6. If for any reason it is not practical to consult a person required to be consulted in the exercise of a delegation then the person with the delegated powers if time allows must consult someone else they reasonably consider to be an appropriate substitute consultee.

7. Any function which has been delegated to a post holder identified in this scheme does not require that person to give the matter his/her personal attention and he/she may arrange for such delegation to be exercised by an officer whom he/she judges is of suitable experience and seniority. However, the post holder remains responsible for any decision taken pursuant to such arrangements. A record of any such delegations to other officers shall be recorded.
8. The delegated powers held by an officer may, subject to paragraphs 15 and 16 below, be exercised by the Chief Executive, a Director or by the line manager of that officer (or by the line manager's line manager) if:
 - (a) That post is vacant
 - (b) The post holder is not at work for any reason
9. Any reference in this Scheme of Delegation to any enactment shall include a reference to any amendment to or re-enactment of the same.
10. Where an officer has delegated authority to discharge functions –
 - (a) By virtue of any provision of this Constitution or
 - (b) Through a specific decision of the Council, a committee or sub-committee, either before or after the adoption of this scheme,the absence of the delegation from this Scheme shall not prevent the exercise of the delegation.
11. Decisions shall be recorded and published in accordance with the Access to Information Procedure Rules in Part 4 of this Constitution.
12. Authorisations to carry out surveillance under the Regulation of Investigatory Powers Act (RIPA) 2000, may be granted by the authorised officer designated for that purpose under the Council's approved RIPA Policy.
13. The express authorisations to officers set out in this schedule are in addition to the normally accepted powers and duties of officers to deal with matters of routine occurrence falling within the scope of their service responsibilities which includes all present and future legislation related to the functions of the service and nothing in this schedule shall derogate from any statutory powers or duties conferred or imposed directly on an officer of the Council.
14. In the case of all functions delegated to officers, the officer to whom the function was delegated may determine not to exercise a function delegated to them and refer the decision back to Council or the relevant Committee or Sub-Committee, as appropriate.
15. Any authority which can statutorily only be discharged by officers with a specific level of qualification must only be conferred to and discharged by such officers.
16. A statutory power or duty conferred or imposed directly on an officer of the Council, may only be discharged by such officer(s).

General section (Powers delegated to the Chief Executive and Directors)

General

1. Save where the Council has otherwise provided, where it has approved within its budget a sum in respect of works for a project or scheme, the officers are then authorised to procure or execute works up to the value of that budget in relation to that project or scheme.
2. Execution of duties and powers as defined by –
 - Contract Procedure Rules
 - Financial Regulations
 - Human Resources Policies and Procedures
 - Other provisions set out in the Constitution i.e. Officer Employment Procedure Rules, Proper Officer Provisions etc.
3. To award compensation up to £1,000, in consultation with the Chairman of the Policy Executive Committee, following an investigation into a complaint by the Local Government and Social Care Ombudsman where they have found fault and where they have recommended the payment of compensation.

Powers of entry/requisitions for information

4. To authorise officers of the local authority to confer upon them rights to request information; to enter and inspect premises, materials and records and take copies; to enforce notices and orders; and to apply for a warrant in the course of their duties under any relevant statutory provisions or subordinate legislation.
5. To serve statutory notices or orders and/or arranging for the execution of work consequent on non-compliance with such notices or orders in relation to aspects of their service.
6. To serve requisitions for information as required in the course of their duties under any relevant statutory provisions or subordinate legislation.

Legal proceedings

7. Where it is considered that legal proceedings are needed in connection with:
 - (a) any breach of notice;
 - (b) any breach of condition imposed by a licence granted under these delegated powers;

(c) the effective management of the service for which they are responsible,

they may, subject to consultation with the Solicitor to the Council, instruct the Solicitor to the Council to take those proceedings subject to reporting the outcome to the next relevant Service Committee meeting as appropriate.

Furthermore, as set out in Article 12, the Solicitor to the Council has the authority, unless otherwise indicated, to institute, defend, negotiate or participate in any legal proceedings (including potential or prospective proceedings) in any case where such action is necessary to give effect to decisions of the Council, or in any case where the Solicitor to the Council considers that such action is necessary to protect the Council's interests.

8. To take any action which the Council has the power to take in order to manage their service area including the power to apply for any registration licence or consent in connection with the service area.
9. Authorisation to hold an event on Council owned land.
10. Determination of hours of opening of premises and facilities within the control of the Council, including seasonal arrangements and closures during holiday periods.
11. Determine applications to advertise on Council owned vehicles.
12. To accept on behalf of the Council the service of notices, orders and legal proceedings.
13. Except in the case of urgency, in consultation with the Solicitor to the Council to ban people from premises they manage.
14. To exercise the Council's powers with regard to any lost, uncollected or abandoned property (including vehicles).
15. To authorise directed surveillance, covert human intelligence source applications and the accessing of communications data, excluding applications for juvenile covert human intelligence sources.
16. Disposal of surplus or obsolete equipment, to the highest tenderer or where no bid is received to charity or scrap
17. Power to supply information on behalf of the local authority
18. To respond to consultation documents on behalf of the organisation where the deadline for response doesn't align with scheduled meetings of the Committee and in consultation with the Chairman of the relevant Service Committee it is not felt necessary to convene a meeting of the relevant committee or sub-committee.

Specific powers of the Council delegated to Officers

Powers delegated to the Chief Executive

1. To be and carry out the duties of the Head of Paid Service in accordance with Section 4 of the Local Government & Housing Act 1989 (as amended), the Local Government Act 2000 and the Council's Constitution.
2. To take any action which is required as a matter of urgency as set out in the Urgent Decision Procedure Rules of this Constitution.
3. To work out appropriate managerial and operational consequences and to refine as necessary the structure of the Council in order to deliver the aims, objectives and changing priorities of the Council.
4. To deal with redundancies and approve applications from employees for early retirement (including ill health retirements) in accordance with Council policies and following referral to the Council's occupational health provider as necessary and reporting approvals to Council if required by legislation to do so.
5. To be and carry out the duties of Electoral Registration Officer.
6. To be and carry out the duties of Returning Officer for the election of Councillors.
7. To discharge the functions of the Council relating to parliamentary, local government and European parliamentary elections and referenda.
8. Duty to declare vacancy in office in certain cases
9. Duty to give public notice of a casual vacancy
10. To make an order under Section 91 of the Local Government Act 1972 (as amended) to appoint temporary Members to parish councils, following consultation with relevant ward members, in those cases where the Council cannot act in the time available.
11. To have overall responsibility for emergencies and disasters and the carrying out of civil defence functions.
12. To determine arrangements for civic hospitality.
13. To take preliminary steps to protect the rights and interests of the Council subject to consultation with the relevant service committee in relation to any white paper, bill or statutory instrument or order in parliament.
14. To determine Member attendance at conferences and seminars (including those held abroad).
15. Approval of Severance Payments of £100k and below.

16. Authorising the use of premises for political meetings (other than elections).
17. To authorise persons to act for the Council at Company and creditors meetings.

Powers delegated to Director(s)

The following powers delegated to the relevant Director with responsibility for the service areas within which the delegation is to be exercised.

Development Control

Matters to be determined specifically in consultation with the Chairman of the Planning Committee

1. Issuing of Enforcement Notices, Completion Notices and service of Stop Notices, Planning Enforcement Orders and Proper Maintenance of Land Notices.
2. Issuing of Listed Buildings Enforcement Notices under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (Solicitor to the Council to be consulted).
3. Determining of Planning Applications excluding those relating to the following which shall be for determination by the Planning Committee, and determination of planning applications for determination by the relevant officer as set out in point 25 below:
 - (a) Industrial (B1, B2 & B8) development of 10,000m² or more gross (GIA) floorspace in any location
 - (b) Industrial (B1, B2 & B8) development (involving new floorspace, extensions to existing floorspace and change of use from non-Industrial Use Classes) in areas not allocated for employment or business use on the existing development plan
 - (c) Industrial (B1, B2 & B8) extensions of 1,000m² or more gross (GIA) floorspace
 - (d) Residential (C3) development of 10 or more dwellings
 - (e) Any other Use Class of new development involving the erection of buildings of 1,000 or more sq. metres gross (GIA) floorspace
 - (f) Planning Applications where approval is recommended, permanent development required to be advertised as departures from the development plan.
 - (g) Planning Applications where approval is recommended and objections have been made, the renewal of a temporary permission for a similar or shorter period for development required to be advertised as departures from the development plan.

- (h) Planning Applications where approval is recommended, development contrary to adopted Council planning policy.
 - (i) Borough Council Planning Applications (applications made by or on behalf of Basildon Borough Council).
 - (j) Planning Applications generating significant levels of objections such that the public interest would be best served by deciding the application openly in Committee where representations by the public can be made.
4. Reserved Matters applications excluding those set out at 27 below relating to major residential (C3) developments (being those comprising 10 or more dwellings) which shall be for determination by the Planning Committee, and where:
 - (a) The Outline Planning Permission did not approve the layout of the proposed development.
 - (b) The layout in the Reserved Matters application is materially at variance with the indicative layout shown in the outline permission; or
 - (c) The Outline Planning Permission was determined by the Planning Committee.
 5. Power to authorise the variation and withdrawal of enforcement notices (Section 173A of the Town and Country Planning Act 1990 (as amended)).
 6. The provision of responses to consultation requests from other Local Planning Authorities on Planning and related Applications where the development being consulted upon would comprise large scale Major development and have significant impacts upon the use of land within Basildon Borough.

Matters to be determined by the appropriate Director

7. Determination of Planning Applications relating to:
 - (a) The erection of or alteration to walls and fences and other forms of enclosure.
 - (b) Development not involving the erection of new floorspace, extensions to existing floorspace or the change of use of floorspace.
8. Reserved Matters applications, comprising residential development of less than 10 dwellings where:
 - (a) The Outline Planning Permission did approve the layout of the proposed development
 - (b) The layout in the reserved matters application is not materially at variance with this indicative layout shown in the outline permission or
 - (c) The Outline Planning Permission was determined by officers.

9. Discharge and Modification of Conditions attached to Planning Permission.
10. Determination of Non Material Amendment applications.
11. Determination of Lawful Development Certificate applications.
12. Determination of applications for Advertisement Consent.
13. Determination of Listed Building Consents.
14. Determination of Prior Approval applications (relating to development authorised in principle by Development Order), relating to the exercise of permitted development rights.
15. Determination of requests for works to Preserved Trees and Trees in Conservation Areas.
16. The provision of Environmental Impact Assessment Screening or Scoping Opinions.
17. The issuing of Planning Contravention Notices.
18. The entering into, modification or discharge of section 106 Agreements
19. The carrying out of duties relating to the making of determinations of Planning Applications and associated consents, appeals and enforcement action.
20. Power to determine applications for hazardous substances consent, and related powers.
21. Power to execute urgent works to preserve listed buildings and buildings in a Conservation Area (as set out in Section 54 and Section 76 respectively of the Listed Buildings and Conservation Areas Act 1990 (as amended)).
22. The acquisition of properties which the Council is under a legal obligation to acquire under the Town and Country Planning legislation.
23. Powers to acquire a listed building in need of repair and to serve a repairs notice.
24. Power to apply for an injunction in relation to a listed building
25. Power to apply for an injunction restraining a breach of planning control.
26. The issuing of breach of condition notices.
27. The issuing of tree replacement notices.
28. Power to require proper maintenance of land in accordance with Section 215 of the Town and Country Planning Act 1990.

29. To make Orders requiring the discontinuance of any use of land or the alteration or removal of any building or works on land, provided that such Orders are unopposed and all rights to compensation have been waived.
30. The issuing of Section 330 notices (power to require information as to interests in land).
31. The issuing of temporary stop notices.
32. Power to authorise enforcement proceedings in relation to illegal adverts as set out in Sections 255A – 255E (Advert Removal Notices etc.) of the Town and Country Planning Act 1990 (as amended).
33. Power to remedy defacement of premises as set out in Sections 225F – 225J of the Town and Country Planning Act 1990 (as amended).
34. In consultation with Legal Services, power to authorise prosecution proceedings (for non-compliance) relating to Notices served under the Listed Buildings and Conservation Areas Act 1990 (as amended) and the Town and Country Planning Act 1990 (as amended).
35. Issuing of dangerous structure orders in respect of listed buildings (as set out in Section 56 of the Listed Buildings and Conservation Areas Act 1990 (as amended)).

Licensing

Hackney Carriage and Private Hire Licences

1. To exercise all the Council's licensing and enforcement functions in relation to hackney carriages and private hire vehicles, their drivers and private hire operators, including:
 - (a) To consider licence applications having regard to the policy criteria set out by the Council and grant or refuse licences accordingly.

(Except in cases, where the officer view is that there may be exceptional circumstances which merit further consideration, rather than automatic refusal, such matters will be referred to the relevant Miscellaneous Licensing Sub-Committee).
 - (b) To inspect and where appropriate suspend licensed vehicles in accordance with section 68 of the Local Government (Miscellaneous Provisions) Act 1976 where a vehicle is found to be unfit or a taximeter is found to be inaccurate.
 - (c) Powers in relation to the testing and assessment of the fitness of licensed vehicles and offences thereunder.
 - (d) Investigation and enforcement in relation to possible offences in respect of:
 - i. Unlicensed vehicles, drivers or operators
 - ii. Overcharging of fares

- iii. Unauthorised use of hackney carriage stands
 - iv. Prolongation of journeys
 - v. Misuse of taximeters
 - vi. Obstruction of officers
- (e) Those functions identified as officer functions within the Basildon Council Licensing Conditions and Suitability Criteria.
2. In consultation with the Chairman/Vice-Chairman of the Licensing Committee to:
- (a) Suspend a hackney carriage or private hire vehicle licence where suspension of the vehicle is necessary on the grounds of public safety in accordance with section 60 of the Local Government (Miscellaneous Provisions) Act 1976.
 - (b) Suspend a hackney carriage or private hire driver's licence or a private hire operator's licence in accordance with sections 61 and 62 of the Local Government (Miscellaneous Provisions) Act 1976.
 - (c) Grant or refuse applications for an exemption from displaying the licence plate on a private hire vehicle.
 - (d) Grant or refuse exemptions from carrying wheelchair passengers or assistance dogs in licensed hackney carriage vehicles.
 - (e) Undertake any other functions identified as officer functions in consultation with the Chairman/Vice Chairman of the Licensing Committee within the Basildon Council Licensing Conditions and Suitability Criteria.

Licensing Act 2003

3. To exercise all the Council's functions with regard to the Licensing Act 2003 (as amended) and any regulations made under the Act with the exception of those functions delegated to the Licensing Committee and Licensing Act Sub-Committee.
4. To approve applications where no representations or objections have been made (or where representations have been made but withdrawn) in respect of:
- (a) Section 18(3) determination of application for premises licence.
 - (b) Section 31(3) determination of application for provisional statement.
 - (c) Section 35(3) determination of application for variation of premises licence.
 - (d) Section 39(3) determination of application to vary designated premises supervisor.
 - (e) Section 44(5) determination of application for transfer of premises licence.
 - (f) Section 72(3) determination of application for club premises certificate.
 - (g) Section 85(3) determination of application to vary club certificate.

- (h) Section 120(7) determination of application for grant of personal licence.
- (i) Section 121(6) determination of application for renewal of personal licence.
- (j) Any function under Section 52(2) or (3) (determination of application for review of Premises Licence) in a case where no relevant representations (within the meaning of Section 52(7)) have been made.
- (k) Any function under Section 88(2) or (3) (determination of application for review of Club Premises Certificate) in a case where no relevant representations (within the meaning of section 88(7)) have been made; or
- (l) Any function under Section 167(5) (Review following Closure Order) in a case where no relevant representations (within the meaning of Section 167(9)) have been made.
- (m) The grant or refusal of minor variations to premises licences and club premises certificates under the Licensing Act 2003, in consultation with the Chairman of the Licensing Committee.
- (n) Agreement that following the decision to call a hearing, that the hearing be cancelled if all parties agree one is unnecessary.
- (o) To agree in conjunction with the Manager of Legal Services that a representation is frivolous, vexatious or repetitious.

To include the imposition or variation of any condition imposed on any licence where it is legally permissible, save that in the case of an application for licence which is subject to representation or objection, then the application will be referred to the relevant Licensing Sub-Committee as necessary for decision.

Gambling

5. To exercise all the Council's functions with regard to the Gambling Act 2005 (as amended) and any regulations made under the Act with the exception of those functions delegated to the Licensing Committee and Gambling Act Sub-Committee.
6. Functions relating to Licensing as set out in Sections 5 to 8 of the Licensing Act 2003.
7. Functions relating to occasional use notices for gambling purposes
8. Functions relating to the determination of fees for premises licences
9. Functions relating to the registration and regulation of small society lotteries
10. Power to designate an officer of the licensing authority as an authorised person for a purpose relating to gambling premises

11. Officers be empowered to approve applications where no representations have been made (and where representations have been made but withdrawn) in respect of:
 - (a) Applications for Premises Licence.
 - (b) Application for Variation of a Licence.
 - (c) Application for Transfer of a Licence.
 - (d) Application for a Provisional Statement.
 - (e) Application for a Club Gaming/Club Machine Permit.
 - (f) Application for other permits.
 - (g) Cancellation, variation or transfer of a Licensed Premises Gaming Machine Permit.
 - (h) Consideration of a Temporary Use Notice (including the issue of Counter Notices under Section 218).
 - (i) More than the automatic entitlement to two Category C or D AWP machines in licensed premises, on the basis that, as the Licensing Authority is a Responsible Authority, representations against applications of concern can be made by officers.
 - (j) To modify a licence where all parties reach agreement in respect of an application for review without the need for a hearing.
 - (k) To determine the manner and form of application for a Licensed Premises Gaming Machine Permit, Prize Gaming Permit and Family Entertainment Gaming Machine Permit.
 - (l) To make representation in respect of applications.
 - (m) To apply for reviews and make representations in respect of reviews.
 - (n) To determine the validity of representations made under the Act.
12. Exercise duty to comply with requirement to provide information to the Gambling Commission.
13. That subject to Regulations permitting, that in the case of an application for a review, that if all parties reach agreement before the hearing, that the licence is modified without the need for a hearing.
14. To include the imposition or variation of any condition imposed on any licence where it is legally permissible, save that in the case of an application for licence which is subject to representation or objection, then the application will be referred to the relevant Licensing Sub-Committee as necessary for decision.

General Licensing

15. To exercise all the Council's functions with regard to:
 - (a) The classifying of unclassified films (in consultation with the Manager of Legal Services).
 - (b) Hypnotists.
 - (c) Street collections and house to house collections.
 - (d) Societies' lotteries under the Lotteries and Amusements Act 1976 (as amended).
 - (e) Scrap Metal Dealers and Scrap Metal Collectors.
 - (f) To grant, renew, suspend or revoke but not refuse pleasure boat and pleasure operator and boatman's licences as defined under the Public Health (Amendments) Act 1907.
 - (g) the functions of the Council in connection with the management and administration of street trading
16. To exercise all the Council's functions with regard to the licensing and associated welfare of animals in relation to the following:
 - (a) Animal Boarding
 - (b) Riding Establishments
 - (c) Zoos
 - (d) Dog breeding
 - (e) Dangerous Wild Animals
 - (f) Pet Shops

Environmental Health

1. To appoint and appropriately authorise inspectors and authorised officers in accordance with environmental health legislation including that listed below.
2. To exercise the Council's stray dog function and the statutory provisions relating to the microchipping of dogs.
3. To exercise the Council's powers and functions in connection with food and health and safety at work, including:
 - (a) With respect to securing the safety of food and the condition of food premises including but not limited to powers of approval, licensing registration and enforcement, including:

- i. Power to appoint officers of the local authority to confer on them the powers to enforce the provisions in respect of the importation of animal products from other Member States and Third Countries;
 - ii. Power to appoint officers of the local authority to confer upon them rights to request information; to enter and inspect premises, materials and records and take copies; to enforce notices and orders, and to apply for a warrant to authorise entry
 - iii. Power to appoint officers of the local authority to confer upon them powers to enforce emergency orders and directions
 - iv. Power to appoint officers of the local authority to confer upon them the powers to enforce the functions of a food authority in respect of specific emergency provisions adopted under the European Communities Act 1972.
 - (b) Functions under any of the “relevant statutory provisions” within the meaning of Part 1 (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the authority’s capacity as an employer.
 - (c) With respect to Sunday Trading.
 - (d) Duty to enforce Chapter 1, Health Act 2006 smoke free premises, places and vehicles, and regulations made under it, and power to transfer enforcement functions to another enforcement authority – smoke free premises
 - (e) To register persons and premises for acupuncture, tattooing and skin piercing and electrolysis under sections 13-17 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended).
4. To exercise the Council’s functions with respect to notification, investigation and control of notifiable infectious diseases, including:
- (a) Power to appoint officers of the local authority to confer on them the powers contained within the Regulations;
 - (b) The payment of compensation in lieu of wages to persons excluded from work on public health grounds;
 - (c) Power to take action to protect public health through the imposition of restrictions or requirements and to request co-operation for health protection purposes and to disinfect or decontaminate things or premises on request
 - (d) Appointment of a Proper Officer for relevant functions in relation to control of infectious diseases.
5. To exercise the Council’s functions with respect to:

- (a) Statutory nuisance legislation, including taking remedial action, apportionment and recovery of costs, the service of an abatement notice in respect of statutory nuisance, the inspection of the Authority's area to detect any statutory nuisance, the investigation of any complaint as to the existence of a statutory nuisance.
 - (b) The closure of noisy premises in accordance with sections 40 and 41 of the Anti-social Behaviour Act 2003 as authorised by the Chief Executive.
 - (c) Defective and blocked drains and sewers, drainage systems and the provision of sanitary accommodation and drainage.
 - (d) Filthy and verminous premises, articles and persons.
 - (e) Water supplies.
 - (f) Clean air legislation and the management of air quality.
 - (g) Pollution control.
 - (h) Contaminated land.
 - (i) The authorisation and control of prescribed processes.
6. To exercise any of the Council's powers in connection with improving the standard of private sector housing including individual dwellings and housing in multiple occupation.
 7. Serving notices and taking action in respect of Category 1 and Category 2 hazards in housing accommodation including emergency remedial action.
 8. Securing the improvement, repair, maintenance, demolition, closure and sanitary conditions of dwellings.
 9. Taking action in respect of overcrowding of housing accommodation.
 10. Taking action in respect of houses in multiple occupation, including:
 - (a) Administration of licensing and accreditation schemes.
 - (b) Refusing a licence where the proposed licence holder or manager is not a fit and proper person or where the proposed management arrangements are unsatisfactory.
 - (c) Granting a licence subject to such conditions as are appropriate in the circumstances of each case.
 - (d) Revoking a licence where the licence holder is no longer a fit and proper person or when he has committed repeated breaches of licence conditions.
 - (e) Seeking rent repayment orders in respect of unlicensed HMOs.
 - (f) Making and managing interim and final management orders.

11. Arranging for the restoration or continuation of supply of water, gas or electricity.
12. Carrying out any works which the Council has the power to carry out in connection with any of these delegations (including works in default) and to take any steps to recover the money spent on carrying out works in default (including placing a charge on land).
13. Taking action relating to housing conditions, which:
 - (a) Concern the condition of any drain or private sewer.
 - (b) Mean that the Council may ensure that any building has adequate or improved drainage and/or sanitary conveniences.
 - (c) Concern the condition of any cesspool.
 - (d) Concern the use and ventilation of soil pipes.
 - (e) Concern remedial work including the service of notices in relation to rainwater pipes, soil pipes and ventilating shafts and the apportionment and recovery of costs.
 - (f) Concern the alteration of a drainage system to premises.
 - (g) Concern the drainage and paving to yards and passages.
14. To exercise the Council's powers to take action concerning any matter relating to dwellings which is, may or has been prejudicial to health or a nuisance.
15. To exercise the Council's powers with respect to ruinous or dilapidated buildings
16. To undertake the Council's licensing functions in relation to the Caravan Sites and Control and Development Act 1960 (as amended), imposing standard conditions as appropriate.
17. To issue licences for moveable dwellings and camping sites under section 69 of the Public Health Act 1936 (as amended).
18. To exercise the Council's powers with respect to arranging burial or cremation where no one else is making the arrangements.
19. To exercise the Council's powers in relation to exhumations
20. The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.

Environment and Street Scene

1. To deal with public rights of way matters relating to the duty to assert and protect the rights of the public to use and enjoyment of highways.

2. To deal with all public rights of way matters, except in relation to the following community related assets where any such delegation shall be in the consultation with the Chairman of the relevant Committee
 - (a) Approve information and/or formal consultations as appropriate on traffic orders and, where no objections are lodged, make the Order
 - (b) Carry out consultations and make and confirm Orders to extinguish, divert, alter or create new footpaths and bridleways, subject to no objections being received to the Order
3. To arrange for animals to be removed when considered appropriate to do so under the Control of Horses Act 2015.
4. Approve information and/or formal consultations as appropriate on traffic orders and, where no objections are lodged, make the Order.
5. Approve road naming and road re-naming schemes and number and re-number properties.
6. Approve the making of Orders designating litter control areas.
7. Authorise enforcement proceedings.
8. Authorise the service of Notices in relation to the removal, abatement and control of refuse and litter.
9. Dedicate where appropriate Council owned land as highway.
10. Carry out consultations and make and confirm Orders to extinguish, divert, alter or create new footpaths and bridleways, subject to no objections being received to the Order.
11. Exercise power to authorise stopping up or diversion of highway.
12. Exercise powers relating to complaints about high hedges and powers relating to the protection of important hedgerows.
13. Duty to keep a definitive map of public rights of way and statement under review.
14. To approve Programme of Events.
15. To approve the provision of parking places in parks.
16. To approve the service of notices and making of temporary road closures.
17. To determine applications for the letting of concessions in parks for special events that fall outside regular events.

18. To determine charity collections in markets.
19. To make safe dangerous trees on land adjoining land owned by the Council.
20. To make safe dangerous trees when requested to do so by Notice.
21. The making and confirming of the following relating to the preservation of trees and the protection of important hedgerows, except where objections are received when the delegation shall be exercised in consultation with the Chairman of the relevant committee:
 - (a) Tree Preservation Orders
 - (b) Variation Orders to Tree Preservation Orders under Chapter 1 of Part VIII of the Town and Country Planning Act 1990
 - (c) Revocation Orders to Tree Preservation Orders
22. Functions relating to fixed penalty notices.

Revenues and Benefits

1. To determine requests for the award of discretionary housing benefit in exceptional circumstances.
2. To determine the allocation, letting or revocation of market stalls and premises to traders.
3. To grant discretionary rate relief.
4. To institute and conduct recovery proceedings (including winding up of companies) in relation to Council Tax and national non-domestic rates.
5. To reduce or remit liability for rates under Section 49 of the Local Government Finance Act 1988.
6. To reduce the liability of a person for council tax under Section 13A of the Local Government Finance Act 1988.

Housing

1. In consultation with the Chairman of the relevant committee, to consider and approve, where appropriate, all applications made to the Grants to Organisations Fund and the Grants to Aged Persons Clubs Funding Scheme in accordance with the agreed criteria.
2. To administer all housing strategies and policies.

3. To advise on housing and energy conservation matters, including administering a Housing Advice Service.
4. To maintain the Housing Waiting List and to make nominations to Registered Providers of Social Housing in accordance with the authority's Allocations Policy.
5. To work with other housing providers to meet the housing needs of the Borough.
6. To deal with all matters in respect of the Borough's Registered Providers of social housing.
7. To administer the Council's Disabled Access Grants Scheme.

Asset Management

1. To deal with all functions associated with the management of the Council's land and assets, except the disposal of land and property whether freehold or leasehold where:
 - (a) The area exceeds 0.5 acre
 - (b) Consideration exceeds £100,000
 - (c) Disposal may be detrimental to the Council's property or the community's interest
 - (d) The terms relating to an initial letting of land and property owned or otherwise controlled by the Council where the term of letting is over 7 years, and the rental exceeds £50,00 per annum
 - (e) The intended use is not of a type normally appropriate to the land or property

Miscellaneous

1. All functions relating to Corporate Investigations, including dealing with Police and Whistleblowing
2. All functions relating to Insurance, including investigating and settling claims, liaison with insurance companies and Brokers
3. To determine exemptions under Section 36 of the Freedom of Information Act 2000.

Schedule 3 - The “Proper Officer” Provisions

Proper Officer and Related Provisions

The officers appointed to the statutory positions of Head of Paid Service, Chief Financial (Section 151) Officer and Monitoring Officer are set out in Article 12 of the Council’s Constitution. All references below to the Chief Financial (Section 151) Officer and Monitoring Officer below include any deputies formally appointed by them.

| Function | Proper or Appropriate Officer | Officer to act in event of Proper Officer being unable to act |
|----------------------------------|--|---|
| Local Government Act 1972 | | |
| Section 41 | Returning Officer at Local Elections | Chief Executive (Returning Officer can appoint Deputies at each election, as required) |
| Section 83 | Witness and receipt of Declarations of Acceptance of Office | Chief Executive Monitoring Officer |
| Section 84 | Receipt of written notice of resignation of office | Chief Executive Monitoring Officer |
| Section 88 (2) | Convening of Meeting of Council to fill casual vacancy in office of Chairman | Chief Executive Monitoring Officer |
| Section 89 | Receipt of Notice of casual vacancy from two local government electors | Chief Executive Monitoring Officer |
| Section 100 B(2) | Exclusion of reports from inspection by public | Monitoring Officer Relevant Director |
| Section 100 B(7) | Provision of copies of documents other than Agenda and Minutes to Press | Monitoring Officer Relevant Director |
| Section 100 C(2) | Provision of summary of proceedings of a closed meeting | Monitoring Officer Relevant Director |

| Function | | Proper or Appropriate Officer | Officer to act in event of Proper Officer being unable to act |
|----------------------------------|--|--|--|
| Local Government Act 1972 | | | |
| Section 100 D(5) | Provision of background papers | Monitoring Officer | Relevant Director |
| Section 100 F(2) | Disclosure of documents to Members | Monitoring Officer | Relevant Director |
| Section 115 | Receipt of money due from Officers | Chief Financial (Section 151) Officer | Director of Resources |
| Section 146 | Declarations and Certificates with regard to securities | Chief Financial (Section 151) Officer | Director of Resources |
| Section 151 | Responsibility for administration of financial affairs | Chief Financial (Section 151) Officer | Director of Resources |
| Section 151 | Responsibility for provision of adequate and effective Internal Audit function | Chief Financial (Section 151) Officer | Head of Governance and Assurance |
| Section 191 | Functions with respect to Ordnance Survey | Manager of Planning Services | Relevant Director |
| Section 204 | Receipt of Notices of applications for Justices' Licence | Service Director | Director of Community and Environment |
| Section 210 | Powers in respect of Local Charities | Chief Financial (Section 151) Officer | Relevant Director |
| Section 212 | Local Land Charges Register | Manager of Planning Services | Monitoring Officer |
| Section 225 | Deposit of Documents | Monitoring Officer | Relevant Director |
| Section 229 | Certification of photographic copies of documents intended to be used in legal proceedings | Solicitor to the Council | Monitoring Officer |
| Section 234 | Authentication of Documents | Solicitor to the Council | Monitoring Officer |

| Function | | Proper or Appropriate Officer | Officer to act in event of Proper Officer being unable to act |
|--|--|--|--|
| Local Government Act 1972 | | | |
| Section 236 | Sending copies of Byelaws to the County Council | Solicitor to the Council | Monitoring Officer |
| Section 238 | Certification of Byelaws | Solicitor to the Council | Monitoring Officer |
| Schedule 12 Para.4 | (a) Signature of Council Summons | Chief Executive | Chief Financial (Section 151) Officer |
| | (b) Receipt of Notice of address for Council Summons | Chief Executive | Monitoring Officer |
| Schedule 14 Para.25 | Certification of Resolutions | Solicitor to the Council | Chief Executive |
| Schedule 16 Para.28 | Receipt on deposit of Lists of Protected Buildings | Manager of Planning Services | Solicitor to the Council |
| Schedule 22 Para.17 | Authentication of Notices, etc., under Housing Acts | Service Director | Director of Community and Environment |
| Local Government and Housing Act 1989 | | | |
| Section 2 | Preparation of lists of politically sensitive posts | Chief Executive | Director of People and Change |
| Section 4 | Head of Paid Service | Chief Executive | Deputy Chief Executive |
| Section 5 | Monitoring Officer | Monitoring Officer | Solicitor to the Council Director of Strategy and Governance |
| Section 15 | Receipt of notices – political groups | Chief Executive | Monitoring Officer |
| Local Government (Committees and Political Groups) Regulations 1990 | | | |
| Reg 8,9,10,13,14,17 | Political Balance and Appointments to Committees | Chief Executive | Monitoring Officer |

| Function | | Proper or Appropriate Officer | Officer to act in event of Proper Officer being unable to act |
|--|---|--|--|
| Local Government (Misc. Provisions) Act 1976 | | | |
| Section 41 | Evidence of Resolutions and Minutes of proceedings | Monitoring Officer | Director of Strategy and Governance |
| Local Elections (Parishes & Communities) Rules 2006 | | | |
| Rule 5 | Receipt of request by 10 local government electors for the electoral area to hold an election to fill a causal vacancy in the office of Parish Councillor | Chief Executive | Director of Strategy and Governance |
| Representation of the People Act 1983 | | | |
| Section 8(2) | Electoral Registration Officer (automatically Acting Returning Officer in Parliamentary Elections) | Chief Executive | See Section 52(3) of Representation of the People Act 1983 below. |
| Section 35 | Returning Officer for local government elections | Chief Executive | |
| Section 52(3) | Deputising for Electoral Registration Officer | Director of Strategy and Governance | Deputy Chief Executive |
| Sections 75, 81, 82, 89 | Receipt of Returns of Election Expenses | Chief Executive | Director of Strategy and Governance |
| Section 128 | Publication of Election Petition | Chief Executive | Director of Strategy and Governance |
| Section 131 | Provision of accommodation for Election Court | Chief Executive | Director of Strategy and Governance |
| Representation of the People Regulations 1986 | | | |
| Reg 96 | Retention of documents relating to Postal Voting | Chief Executive | Director of Strategy and Governance |

| Function | | Proper or Appropriate Officer | Officer to act in event of Proper Officer being unable to act |
|--|---|---|---|
| Local Elections (Principal Areas) Rules 1986 | | | |
| Rule 44 | Receive notice of Declaration of Result | Chief Executive | Director of Strategy and Governance |
| Rules 46 to 48 | Retention of Election documents | Chief Executive | Director of Strategy and Governance |
| Local Government Finance Act 1988 | | | |
| Section 114 | Report to Council in respect of unlawful expenditure or an unbalanced budget | Section 151 Officer | Director of Resources |
| Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000 | | | |
| Regulations 5 to 8 | Functions relating to petitions and referenda for elected mayor | Chief Executive | Director of Strategy and Governance |
| Local Authorities (Standing Orders) (England) Regulations 2001 | | | |
| Schedule 1 Part II Regulation 5(2) | Functions relating to the appointment of Head of Paid Service, and other Senior Officers (subject to the exceptions in the legislation) | Head of Paid Service | Monitoring Officer |
| Regulation 6(2) | Functions relating to the dismissal of Head of Paid Service and other (subject to the exceptions in the legislation) | Head of Paid Service | Monitoring Officer |
| Local Government Act 2003 | | | |
| Part 2 | Report to Council on the robustness of the budget calculation and the adequacy of reserves | Chief Financial (Section 151) Officer | Director of Resources |
| Section Officer | 151 Determination of the Council's Total Capital Allowance | Chief Financial (Section 151) Officer | Director of Resources |

| Function | Proper or Appropriate Officer | Officer to act in event of Proper Officer being unable to act |
|--------------------------|---|---|
| Localism Act 2011 | | |
| Sections 29 and 30 | Establishing and maintaining a Register of Members' Interests | Monitoring Officer |
| | | Director of Strategy and Governance |

Schedule 4 - Joint Arrangements

South Essex Parking Partnership Joint Committee

Basildon Borough Council is a member of the South Essex Parking Partnership, which includes the Boroughs and Districts of Basildon, Brentwood, Castle Point, Chelmsford, Maldon and Rochford. From April 2011 the partnership adopted responsibility for the ongoing maintenance and enforcement of on-street parking restrictions throughout the south of Essex. Since April 2012 the partnership's responsibilities have included the implementation of parking restrictions and schemes, including ensuring that all existing signs and street lining relating to on-street parking restrictions are in place and are up to standard. The partnership is managed via a formal joint committee agreement between Essex County Council and the various borough and district councils. The Joint Committee provides a parking service that results in a merging of services to provide a single, flexible enterprise for a large group of Partner Authorities run from a central office, with outstations for local operations.

The Joint Committee exercises the following specific functions on behalf of Basildon Council as agreed by Cabinet at its meeting on 2 June 2011:

1. Collection of charges for on street parking within the permitted parking area;
2. The administration of residents' parking schemes and the collection of charges for permits;
3. Issuing Penalty Charge Notices;
4. Deal with all correspondence, appeals, adjudication and representations to the Traffic Tribunal;
5. Take steps necessary to recover payments and charges due under these functions;
6. Immobilisation, removal, recovery, storage and disposal of vehicles in connection with the above activities;
7. Procurement and maintenance of signs and lines relating to on-street enforcement;
8. Determine the levels and nature of fees and charges in respect of on street car parking provisions in South Essex;
9. Establish and manage the cost of the operation incurred under the Joint Committee;
10. Decide how any surplus is re-invested in parking services;
11. The Council shall retain responsibility, and budget, for the commissioning of traffic regulation orders during the first year of the Operational Period except for the Borough of Chelmsford;

12. The Council shall retain responsibility and budget for signs and lines backlog and ongoing maintenance during the first year of the Operational Period;
13. Provide a forum to discuss strategic issues relating to parking across South Essex;
14. Provide a forum to review at a strategic level the success of the Joint Committee;
15. Set local parking policies, ensuring that primary legislation obligations are met. This includes design of parking policies with respect to;
 - a. Traffic network;
 - b. Safety;
 - c. Environment;
 - d. Public transport quality and accessibility;
 - e. Disabled persons;
 - f. Kerb space demands;
16. The Joint Committee may make relevant traffic regulation orders as permitted under the Road Traffic Regulation Act 1984, save that the Council shall retain the funds as allocated by the Council in relation to this function during the first year of the Operational Period, upon which the Joint Committee may draw down from during this time. The Joint Committee shall review this function and agree future provisions with the Council for the funding and operation to be exercised during the remainder of the Operational Period.

Essex Countywide Traveller Unit Joint Committee

Basildon Borough Council is a member of the Essex Countywide Traveller Unit (ECTU) Joint Committee which follows a multi-agency project that was set up consisting of various Essex District, Borough and Unitary Councils together with Essex County Council, Primary Care Trusts, Essex County Fire and Rescue Service and Essex Police. It was established to examine the outcomes for Gypsy and Traveller communities living throughout Essex, current service provision and the costs that were being incurred.

The project confirmed that Traveller communities experienced worse quality of life outcomes against many measures when compared with the population of Essex as a whole and these outcomes also resulted in high consequential costs to the public sector in terms of engaging with the traveller community and dealing with authorised plot provision and, on occasion, unauthorised encampments. It was identified that a joined up approach could reduce costs.

The Unit undertakes the following activities within the Gypsy/Traveller Community:

- Fire Safety inspections/advice on sites
- Improving education access/outcomes
- Improving Health and social care access/outcomes
- Management of ECC local authority sites
- Management of Unauthorised encampments on partner land

The Committee consists of twelve members of the Partner Authorities and Chief Constable. This includes Essex County Council that appoints two members, one to discharge its health functions and one to discharge its non health functions.

Basildon has delegated the specific function to the Unit as agreed by the Cabinet at its meeting on 11 October 2012:

The ECTU will address the issue of unauthorised encampments within the Operational Area and other public landowners at the discretion of the ECTU if resources are available. The ECTU will seek to bring enforcement proceedings by virtue of the provisions of Section 77 of the Criminal Justice And Public Order Act 1994, however where necessary seek enforcement through Part 55 of the Civil Procedure Rules.

Joint Standards Committee

The Council has entered into a Joint Arrangement with Local Councils within the Borough in connection with the discharge of their standards arrangements.

The composition of the Joint Committee is as follows:

- Basildon Borough Council - 3 Councillors
- Local Councils – 2 representatives nominated by the Association of Basildon Local Councils
- 4 Independent Persons who have been appointed by the Council

A Joint Standards Committee has been established to carry out the following functions:

- (a) To promote and maintain high standards of conduct by Members and co-opted members (with or without voting rights) of the authority and considering relevant issues to enable the Committee to fulfil this role.
- (b) To advise and assist Local Council(s) and Councillors to maintain high standards of conduct and to make recommendation to Local Councils on improving standards or actions following a finding of a failure by a Local Councillor to comply with the Code of Conduct.
- (c) To conduct hearings on behalf of the Borough Council and Local Councils.
- (d) To advise the Council and Local Councils on the adoption or revision of the Member Code of Conduct.
- (e) To receive referrals from the Monitoring Officer into allegations of misconduct in accordance with the authority assessment criteria.
- (f) To receive reports from the Monitoring Officer and assess the operation and effectiveness of the Member Code of Conduct.
- (g) To advise, train or arrange to train Members and co-opted members on matters relating to the Member Code of Conduct.

- (h) To assist Councillors and co-opted Members to observe the Member Code of Conduct.
- (i) To hear and determine complaints about Borough and Local Councillors and co-opted members alleging a breach of the Member Code of Conduct referred to it by the Monitoring Officer.
- (j) Following a hearing the Joint Standards Committee is able to make one of the following findings:-
 - (a) That the Member has not failed to comply with the Member Code of Conduct and no further action needs to be taken in respect of the matters considered at the Hearing; or
 - (b) That the Member has failed to comply with the Member Code of Conduct but that no further action needs to be taken in respect of the matters considered at the Hearing; or
 - (c) That the Member has failed to comply with the Code of Conduct and that a sanction and/or an informal resolution should be imposed.
- (k) After making a finding the Committee shall, as soon as reasonably practicable, provide written notice of its findings and the reasons for its decision to the subject Member and complainant.
- (l) To advise the Council upon the contents of and requirements for codes/protocols/other procedures relating to standards of conduct throughout the Council.
- (m) To maintain oversight of the Council's arrangements for dealing with complaints.
- (n) To inform Council and the Chief Executive of relevant issues arising from the determination of Code of Conduct complaints.
- (o) The Committee may impose any action or combination of actions available to it, or impose any informal resolution or combination of informal resolutions in accordance with the approved Complaints Procedure.

PART 4

RULES OF PROCEDURE

Rules of procedure

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The rules and procedures within which the Council will operate are as follows:

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4.1 Council Procedure Rules (Standing Orders)

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1. Annual Meeting of the Council

(a) Timing and business

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

The order of business at the Annual Meeting will be as follows:

- (i) *Choose a person to preside if the Mayor and Deputy Mayor of the Council are not present.*
- (ii) *Elect the Mayor of Basildon Council.*
- (iii) Receive any apologies for absence.
- (iv) Appoint the Deputy Mayor of Council.
- (v) Receive any declarations of interest.
- (vi) *Approve the minutes of the last meeting.*
- (vii) Receive any announcements from the Mayor, Deputy Mayor, Chairman of the Policy Executive Committee and/or Chief Executive.
- (viii) Appoint Committees and Sub-Committees as the Council considers appropriate, to deal with matters.
- (ix) Consider any business set out in the notice convening the meeting.

(b) Selection of Councillors on Committees and Outside Bodies

At the Annual Meeting, the Council will, through a variation of the Constitution if necessary:

- (i) Decide which committees to establish for the municipal year and any sub-committees.
- (ii) Decide the size and terms of reference for those Committees and any sub-committee.
- (iii) Decide the allocation of seats to political groups in accordance with the political balance rules made under the Local Government and Housing Act 1989.
- (iv) Appoint Chairmen and Vice-Chairmen of committees.
- (v) Receive nominations of Councillors to serve on each Committee and outside body and make appointments in accordance with the wishes expressed by political groups.

- (vi) Appoint to outside bodies

2. Ordinary meetings

A programme of ordinary meetings of the Council will be decided at least annually in accordance with this Constitution. The dates of meetings may be amended as required throughout the year to ensure the efficient conduct of business. Amendments shall be agreed by the Mayor.

The order of business at Ordinary Meetings of the Council will be as follows:

- (i) *Choose a person to preside if the Mayor and Deputy Mayor are not present.*
- (ii) *Receive any apologies for absence.*
- (iii) Receive any declarations of interest from Members.
- (iv) *Approve the minutes of the last Ordinary Meeting of the Council and of any Extraordinary Meetings held since the last Ordinary Meeting.*
- (v) Receive any announcements from the Mayor, Deputy Mayor, Chairmen of Committees or the Chief Executive.
- (vi) Receive petitions presented by a Member of the Council.
- (vii) Receive any announcements from Councillors in relation to complaints against them alleging breaches of the Councillor Code of Conduct, subject to the prior agreement of the Monitoring Officer.
- (viii) Receive any questions from, and provide answers to, the public and Members under Council Procedure Rule 11.
- (ix) Deal with any business remaining from the last Council meeting.
- (x) Receive a report back on action taken in response to motion(s) agreed at previous Council meetings, not to be subject to debate.
- (xi) Receive and consider any reports from the Council's Committees, the Chief Executive, Monitoring Officer or Chief Financial Officer and receive questions and answers on any of those reports.
- (xii) Consider any motions submitted pursuant to Rule 14 of the Council Procedure Rules.

At the Ordinary Council Meeting held each year for the purposes of setting the Council budget and council tax levels and Housing Revenue Account budget, the order of business shall be as follows:

- i) Choose a person to preside if the Mayor and Deputy Mayor are not present.

- (ii) Receive any apologies for absence.
- (iii) Receive any declarations of interest from Members.
- (iv) Approve the minutes of the last Ordinary Meeting of the Council and of any Extraordinary Meetings held since the last Ordinary Meeting.
- (v) Receive any announcements from the Mayor, Deputy Mayor, Chairmen of Committees or the Chief Executive.
- (vi) Receive any announcements from Councillors in relation to complaints against them alleging breaches of the Councillor Code of Conduct, subject to the prior agreement of the Monitoring Officer.
- (vii) Deal with any business remaining from the last Council meeting which in the opinion of the Mayor is urgent and should be dealt with at the meeting.
- (viii) Receive a report back on action taken in response to motion(s) agreed at previous Council meetings, not to be subject to debate.
- (ix) Receive and consider reports regarding the budget and council tax setting and Housing Revenue Account Budget
- (x) Receive and consider any reports from the Council's Committees, the Chief Executive, Monitoring Officer or Chief Financial Officer, which in the opinion of the Mayor are urgent and should be dealt with at the meeting.
- (xi) Consider any emergency motions submitted pursuant to Rule 14 of the Council Procedure Rules.

3. Extraordinary meetings

(a) Calling Extraordinary Meetings

The Chief Executive will call Council meetings in addition to ordinary meetings when a request is made by one of the following:

- (i) The Council by resolution.
- (ii) The Mayor.
- (iii) The Monitoring Officer or Chief Financial Officer in pursuance to their duties.
- (iv) Any five Members of the Council if they have signed a requisition setting out reasons and presented it to the Mayor and the Mayor has failed to call a meeting within seven working days of the presentation of the requisition. The Mayor shall not unreasonably delay the meeting being held and shall fix a date for the meeting to be held at the earliest convenient opportunity. A requisition for an Extraordinary

Council Meeting received after 5.00pm on any working day will be acted upon, in terms of the timescales set out in the procedure rule, at 9.00am on the next working day. An Extraordinary Meeting shall not be convened to consider a motion that does not comply with the requirements of the Council Procedure Rules.

(b) Business

The order of business at Extraordinary Meetings of the Council will be as set out below, except in instances where legislation dictates the format of the agenda, and in such circumstances the agenda shall be in accordance with that legislation:

- (i) *Choose a person to preside if the Mayor and Deputy Mayor are absent.*
- (ii) Receive any apologies for absence.
- (iii) Receive any declarations of interest from Members.
- (iv) Receive any announcements from the Mayor, Deputy Mayor, Chairmen of Committees or the Chief Executive.
- (v) Deal with any business remaining from the last Council Meeting.
- (vi) Deal with any items included in the requisition of the Meeting.
- (vii) Consider any urgent notices of motion pursuant to Rule 14(f).
- (viii) Deal with any other business specified in the summons.

4. Variation of order of business

Business falling under Rule 1.(a)(i), (ii), (iv) and (vi); Rule 2.(i) and (iv); and Rule 3. (b)(i) shall not be displaced. However the remaining order of business at meetings of the Council may be varied by a resolution passed on a motion which has been moved, and seconded, without debate.

5. Time and place of meetings

The time and place of meetings will be determined by the Mayor, in consultation with the Chief Executive and notified in the summons.

6. Notice of and summons to meetings

- (a) *The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules of this Constitution.*
- (b) *A Member may give notice in writing to the Chief Executive of an address,*

other than his usual place of residence, to which he or she wishes Council Summonses to be sent.

7. Chairman of meeting

If the Mayor is present he or she will chair the meeting. In the absence of the Mayor, the Deputy Mayor will chair the meeting. In the event of the absence of both the Mayor and Deputy Mayor, a person appointed to do so by those present shall preside. *The person presiding at the meeting may exercise any power or duty of the Mayor in relation to chairing the meeting.*

8. Attendance of staff side representatives at meetings

Representatives of the staff side shall be entitled to attend all Council meetings.

9. Quorum

The quorum of a meeting will be one quarter of the whole number of Members. If no quorum is present after the expiration of 15 minutes from the time fixed by the Summons to the Meeting, the Meeting shall adjourn to a time and date fixed by the Mayor. If he or she does not fix a date, the remaining business will be considered at the next ordinary meeting. During any meeting if the Mayor counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor or at the next ordinary Council meeting.

10. Duration of meeting

(a) Interruption of the meeting

At 11.30pm, the Mayor shall bring the debate to a close at the end of any speech in progress, subject to:

- (i) the mover of a motion, Rule 14 (a), or
- (ii) the Chairman of a Committee, Rule 13 (c), having the right of reply.

(b) Motions and recommendations not dealt with

If there are other motions or recommendations on the agenda that have not been dealt with by 11.30pm, they will be put to the vote following any formal moving and seconding, without discussion.

(c) Motions which may be moved

- (i) During the process set out in Rules 10. (a) and (b) above, insofar as it relates to items other than motions submitted pursuant to Rule 14(a), the only other motions which may be moved are that a matter be withdrawn or that a matter be delegated or referred to an appropriate body or individual for decision or report.
- (ii) During the process set out in rule 10(b) above, insofar as it relates to

motions submitted pursuant to Rule 14(a), the only other motion that can be moved is that the matter stand referred to the next ordinary meeting of the Council as the first item to be considered under Rule 2(xii).

(d) Close of the meeting

When all motions and recommendations have been dealt with, the Mayor will declare the meeting closed.

11. Questions by members of the public and by Members of the Council

(a) General

At every Ordinary Meeting of the Council, there shall be a period of not more than thirty minutes to enable members of the public to ask questions of the Chairmen of Committees (or in their absence Vice-Chairmen). This shall be followed by a further period of not more than thirty minutes to enable Members of the Council to ask such questions.

(b) Notice of questions

(i) A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Chief Executive by no later than 10.00 a.m. five clear working days before the date of the meeting; for example, if a meeting is on a Thursday and there is no bank holiday applicable, by 10.00 a.m. on the Wednesday of the preceding week. Each question must give the name and address of the questioner and must name the Member of the Council to whom it is to be put.

(ii) An urgent question may be raised and asked with the approval of the Mayor, provided that the question has been delivered by noon on the morning of the day of the meeting to the Chief Executive.

(c) Number of questions

At any one meeting no person may submit more than 2 questions and, in the case of questions from the public, no more than 2 questions may be asked on behalf of the same organisation. As set out in Procedure Rule 11(p), where two or more questions, which in the opinion of the Mayor are in similar terms, they will be amalgamated.

(d) Order of questions

Questions will be listed on the summons and dealt with in the order in which notice of them was received, except that the Mayor may group together similar questions, in accordance with Council Procedure Rule 11(p).

(e) Scope of questions

The Chief Executive may reject a question if it:

- (i) is not about a matter for which the Local Authority has a responsibility or which affects the Borough.
- (ii) is defamatory, frivolous or offensive.
- (iii) is substantially the same as a question, or supplementary question which has been put at a meeting of the Council in the past six months; or
- (iv) will require the disclosure of confidential or exempt information.

(f) Notification of rejected questions

Notification of rejected questions will be given at the earliest opportunity in the written form in which the question was received, either by letter or e-mail.

(g) Record of questions

The Chief Executive will maintain a record of each question which will be open to public inspection as soon as the first question is received and will immediately send a copy of the question to the Member to whom it is to be put. Rejected questions will include reasons for rejection. Copies of all valid questions will be detailed in the agenda for meeting.

(h) Question paper

- (i) The Chief Executive shall set out in the agenda for the meeting the questions submitted in the order received.
- (ii) Only those questions appearing in the agenda, any urgent questions and supplementary questions asked under Council Procedure Rule 11 (k) shall be dealt with at the meeting.

(i) Asking the question at the meeting

The Mayor will invite the questioner to formally put the question to the Member named in the notice. If a questioner who has submitted a written question is unable to be present, a written answer will be provided.

(j) Response

An answer may take the form of:

- (i) A direct oral answer.
- (ii) Where the desired information is in a publication of the Council or other published work, a reference to that publication.
- (iii) Where the reply cannot conveniently be given orally, a written answer

will be circulated later to the questioner.

- (iv) Where the question cannot be dealt with during question time, either because of lack of time or because of the non-attendance of the Member to whom it was to be put, it will be dealt with by either of the following means, as deemed appropriate by the Member to whom the question is directed:
 - (a) a written answer;
 - (b) video response; or
 - (c) at the next meeting of the relevant service committee.

Save for the Member replying to the question, no other Member shall be permitted to speak to the questioner.

(k) Supplementary Questions

- (i) A member of the public or Member of the Council who has put a question in person may, without notice, ask a supplementary question of the Member to whom the first question was asked. The supplementary questions must arise directly out of the original question or the reply. The Mayor may reject a supplementary question on any of the grounds in Rule 11(e) above.
- (ii) In the event of a Member of the Council not exercising his right to ask a supplementary question, a supplementary question may be put by any other Member at the discretion of the Mayor.
- (iii) Supplementary questions will be put without debate or comment from other Members.

(l) Reference of question to a Committee

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

(m) Redirection

The Mayor may redirect a question to the Chairman of another committee or sub-committee for answer if he feels this to be appropriate. Any such redirection will be notified to the questioner before the start of the Council meeting.

(n) Absence of person asking the question

If the questioner is absent from the Council meeting at the time that questions are being considered, the question will be replied to in writing by the Member of whom the question has been asked, within ten working days of the closure of the Council meeting. This does not apply to questions which have been amalgamated in accordance with Rule 11 (p) unless all Members

associated with the question are absent.

(o) **Withdrawal of Question**

Any question may be withdrawn by the questioner submitting it at any time before the question is answered.

(p) **Amalgamation of similar questions**

(i) Two or more questions, which in the opinion of the Mayor are in similar terms, may be amalgamated, incorporated or amended as the Mayor thinks fit to form one question. In such cases, the question will stand in the name of the person whose question was received first. However, questions from members of the public may not be amalgamated with questions from Members of the Council. The interest of the other questioners whose questions have been amalgamated will be shown in the Council agenda, in the order in time in which they were received. The Chief Executive will notify all the questioners concerned of the decision of the Mayor.

(ii) If a questioner whose question has been amalgamated with others wishes to withdraw his question, it will stand in the names of the other questioners who have been associated with the question.

12. Petitions

At the start of each ordinary Council meeting, there shall be a period, following Announcements, for Members of the Council to formally present petitions from the public to the Council,

The Member of the Council submitting the petition shall have one minute to do so. The petition shall not be the subject of debate at the meeting.

All petitions received will subsequently be dealt with in accordance with the Council's Petitions Scheme.

13. The presentation of reports to Council

(a) **Presentation of Reports**

(i) Reports on specific issues from the Council's Committees and the Chief Executive, Monitoring Officer or Chief Financial Officer may be presented to the Council from time to time as provided for by this Constitution.

(iii) Reports on specific issues from Council Committees shall be presented by the Chairman of the Committee or in his absence the Vice-Chairman of the Committee.

(iv) Recommendations contained within reports will be moved by the

Member at the time he presents the report. A seconder will not be required.

(b) Debate

Any debate will be conducted in accordance with Council Procedure Rule 16.

(c) Close of Debate

Consideration of the report shall be closed by the reply of the Member presenting the report, and the motion will be put to the vote by the Mayor without further debate.

14. Motions on notice

(a) Notice

Except for motions which can be moved without notice under Rule 15, written notice of every motion, signed by at least one Member, must be delivered to the Chief Executive not later than 10.00 a.m. five clear working days before the date of the meeting, e.g. if the meeting is on a Thursday and there is no bank holiday applicable, by 10.00am on the Wednesday of the preceding week. These will be entered in a book which will immediately be open to public inspection during office hours. Members shall not be entitled to give notice of more than two motions to the same Council meeting. Motions may be submitted electronically followed by a signed paper copy as soon as is practicable.

(b) Motion set out in agenda

Motions for which notice has been given will be listed on the Summons in the order in which notice was received, unless the Member giving notice states in writing, prior to the publication of the summons, that they propose to move it to a later meeting or withdraw it.

During the period following the publication of the summons and before consideration of the motion during the meeting, the Member who gave notice of the motion may request in writing to the Mayor that the motion be deferred to a later meeting or withdrawn.

(c) Scope

Motions must be about matters for which the Council has a direct responsibility or which have a causal effect on the Basildon Borough with consequences that are intrinsically more relevant than for other local authorities.

(d) Motions not moved

If a motion listed on the Summons is not moved either by the Member who gave the notice, or by some other Member authorised on his behalf, it shall be treated as withdrawn and shall not be moved without fresh notice.

(e) Out of order motions

If any notice of motion is deemed to be out of order or contains reflections or imputations upon the conduct of any Member or Officer or is otherwise of a personal or objectionable nature, the Mayor may instruct the Chief Executive to exclude it from the Summons. The Chief Executive shall inform the Member giving the notice of the Mayor's decision.

(f) Emergency motions

In the case of emergency, notice of motions may be given in writing signed by the Member or Members giving the notice and reason for its urgency and delivered by noon on the morning of the day of the meeting at the Office of the Chief Executive who will immediately advise the Mayor of its receipt. If in the opinion of the Mayor an emergency does not exist insofar as the motion is concerned, the Mayor may direct that it be disallowed. Otherwise it will be entered in the book of motions received, included in the order paper and circulated at the meeting.

(g) Report back

Action taken on motions agreed at previous Council meetings will be reported back to future meetings as appropriate. This will be in written form and will not be subject to debate at that meeting.

15. Motions without notice

The following procedural motions may be moved without notice:

- (i) To appoint a person to preside at the meeting at which the motion is moved.
- (ii) In relation to the accuracy of the minutes.
- (iii) To change the order of business in the agenda.
- (iv) To refer something to an appropriate body or individual.
- (v) To appoint a Committee or Member arising from an item on the summons for the meeting.
- (vi) To receive reports or adoption of recommendations of Committees or Officers and any resolutions following from them.
- (vii) To withdraw a motion.
- (viii) To alter or amend a motion.

- (ix) That the question be now put.
- (x) To adjourn a debate.
- (xi) To adjourn a meeting.
- (xii) To suspend a particular Council procedure rule.
- (xiii) To exclude the public and press in accordance with the Access to Information Procedure Rules.
- (xiv) To not hear further a Member named under Rule 23(b) or to exclude them from the meeting under Rule 23(c).
- (xv) To give the consent of the Council where its consent is required by this Constitution.
- (xvi) All motions referred to in Rules 16(j) and 16(k).

16. Rules of debate

- (a) No speeches until motion offered for seconding

No speeches may be made until the mover has moved a proposal, explained the purpose of it and the motion has been offered for seconding.

- (b) Right to require motion in writing

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

- (c) Secunder's speech

When seconding a motion or amendment, a Member must make their speech immediately after the proposer of the motion has made their speech.

- (d) Content and length of speeches

Speeches must be directed to the question under discussion or to a point of order. A Member moving a motion of which notice has been given under Rule 14 or presenting a report under Rule 13 may speak for not more than ten minutes. No other speeches may exceed five minutes without the consent of the Mayor.

- (e) When a Member may not speak again

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

- (i) to speak once on an amendment moved by another Member;

- (ii) to move a further amendment once a motion has been amended and a new substantive motion is in place; as referred to in procedure rule 16(f) (iii) below, a Member may only move one amendment to each motion.
 - (iii) if his first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he spoke was carried);
 - (iv) in exercise of a right of reply; and
 - (v) on a point of order (see rule 16 (l)).
- (f) Amendments to motions
- (i) An amendment to a motion must be relevant to the subject matter of the motion and will be to leave out words and/or insert words, as long as the effect is not to negate the original motion.
 - (ii) Any Councillor wishing to move a first amendment to a motion given in accordance with Procedure Rule 14 shall give notice of his/her intention and provide particulars of the amendment to the Chief Executive in writing before 4.00 p.m. on the day of the Council meeting.
 - (iii) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
 - (iv) If an amendment is not carried, the debate will return to the motion previously under discussion. Other amendments to the motion may be moved but a Member may only move one amendment to each motion.
 - (v) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments may be moved. If a further amendment is carried, the substantive motion as amended takes the place of the previous substantive motion.
 - (vi) After an amendment has been carried, the Mayor will read out the new substantive motion before accepting any further amendments, or if there are none, put it to the vote.
 - (vii) The Mayor will require an amendment to be written down and handed to him/her before it is discussed.

g) Alteration of Motion

- (i) A Member may alter a motion of which he has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (ii) A Member may alter a motion which he has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (iii) Only alterations which could be made as an amendment may be made.

(h) Withdrawal of motion

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

(i) Right of reply

- (i) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (ii) The mover of an amendment has no right of reply to the debate on his or her amendment.

(j) Motions which may be moved during debate

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

- (i) to withdraw a motion (see Rule 16(h));
- (ii) to amend a motion (see Rule 16(f));
- (iii) that the question be now put (see Rule 16(k));
- (iv) to refer the matter to an appropriate body or individual for consideration or reconsideration;
- (v) to adjourn a debate (see Rule 16 (k));
- (vi) to adjourn a meeting (see Rule 16(k));
- (vii) to suspend the guillotine for the close of the meeting provided that the motion is moved before 11.30 pm (see Rule 10);
- (viii) to exclude the public and press in accordance with the Access to

Information Rules; or

- (ix) to not hear further a Member named under Rule 23(b) or to exclude them from the meeting under Rule 23(c).

(k) Closure motions

- (i) A Member may move, without comment, the following motions at the end of a speech of another Member:

- (a) that the question be now put, meaning the motion or amendment currently under discussion;

- (b) to adjourn a debate; or

- (c) to adjourn a meeting.

- (ii) If a motion that the question be now put is seconded and the Mayor thinks the motion or amendment has been sufficiently discussed, he will put the procedural motion to the vote. If it is passed the Mayor will put the motion or amendment to the vote. However, if the successful motion that the question be now put related to the original motion, the Mayor will give the mover of the original motion a right of reply before putting his motion to the vote. A motion that the question now be put may not be moved or seconded by a Member who has already spoken on the motion under consideration.

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

(l) Point of order

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

17. Previous decisions and motions

- (a) Motion to rescind a previous decision

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

- (b) Motion similar to one previously rejected

A motion or amendment which is similar (as determined by the Chief

Executive in consultation with the Mayor) to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least one third of the Members of the Council and the Chief Executive, in consultation with the Mayor determines that it is in the Council's interests to consider the motion or amendment. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

18. Voting

(a) Majority

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

(b) Mayor's casting vote

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

(c) Show of hands

The mode of voting at meetings of the Council shall be by show of hands or, if there is no dissent, by the affirmation of the meeting.

(d) Recorded vote

All voting by Members on any motion, amendment or recommendation shall be recorded in the minutes of that meeting so as to show whether each Member present gave his vote for or against that question or abstained from voting. No protest or expression of dissent other than as a record of votes shall be included in the minutes of the Council.

(e) Members temporarily absent

The Mayor will indicate by means of a bell to Members temporarily absent from the meeting that they have a period of two minutes to return before any vote is taken. After two minutes the Mayor shall ascertain the numbers voting for or against any question, those abstaining and his declaration as to the result shall be conclusive.

(f) Voting on appointments

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

19. Minutes

- (a) Signing the minutes

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

- (b) No requirement to sign minutes of previous meeting at extraordinary meeting

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

- (c) Form of minutes

Minutes will contain all motions and amendments in the exact form in which they were moved.

20. Record of attendance

The names of the Members present during the whole or part of a meeting of the Council shall be recorded.

21. Exclusion of public and press

Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Part 4 of this Constitution or Rule 24 (Disturbance by Public).

22. Members' conduct

- (a) Members shall indicate that they wish to speak by clearly indicating to the Mayor by show of hand who shall clearly acknowledge to the Member that their request has been noted.

- (b) Standing to speak

When a Member speaks at Council they must stand and address the meeting through the Mayor. If more than one Member stands, the Mayor will ask one to speak and the others must sit. Other Members must remain seated whilst a Member is speaking unless they wish to make a point of order. No Member shall interrupt the speech of any other Member.

- (c) Mayor standing

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

23. Disorderly conduct by a Member

- (a) Member not to impute improper motives or use offensive words
No Member shall impute improper motives to any Member not present at the meeting or officer whether or not present at the meeting. No Member shall use offensive words to or regarding any Member or officer whether or not present at the meeting, in breach of the Member Code of Conduct.
- (b) Member not to be heard further
If a Member persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.
- (c) Member to leave the meeting
If the Member continues to behave improperly after such a motion is carried, the Mayor shall move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion. If it is carried the Mayor may call on such assistance as he considers necessary to ensure that the motion is fully complied with.
- (d) General disturbance
If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as he/she thinks necessary.

24. Disturbance by the public

- (a) Removal of member of the public
If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor will order their removal from the meeting room.
- (b) Clearance of part of meeting room
If there is a general disturbance in any part of the meeting room open to the public, the Mayor may call for that part to be cleared.

25. Use of media tools at meetings

In accordance with the Openness of Local Governance Bodies Regulations 2014, the Council has adopted a Protocol on the Use of Media Tools at Meetings Held in Public which is detailed in Part 5 of this Constitution.

26. Suspension and amendment of Council Procedure Rules

(a) Suspension

Mandatory or Statutory Council Rules of Procedure are printed in italic type and may not be suspended. Other Council Rules of Procedure may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council are present. Suspension can only be for the duration of the meeting.

(b) Contravention of Standing Orders

The proceedings of the Council shall not be invalidated by an inadvertent contravention of or non-compliance with the provisions of these Rules relating to the convening of meetings and the constitution and terms of reference of committees.

(c) Amendment

Except where prior notice has been given, any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

4.2 Committee and Sub-Committee Procedure Rules

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1. Additions and exceptions to these rules of procedure

The rules of procedure set out in this section are supplemented by the Council Rules of Procedure also included in this part of the Constitution. The Joint Standards Committee and its sub-committees have specific rules regarding quorum, substitutions and frequency of meetings as set out in Part 3 of this Constitution.

2. Scheduled meetings

A programme of scheduled meetings of the Council's committees will be approved by the Council at least annually in accordance with this Constitution. This programme may be amended and additional meetings called as required throughout the year to ensure the efficient conduct of business. Amendments shall be agreed by the Chairman of the committee affected by the amendments. The time and place of meetings will be determined by the Chief Executive in consultation with the Chairman of the relevant committee or sub-committee and notified on the agenda for the meeting.

3. Business at meetings

The order of business at meetings will be as follows:

- (i) Choose a person to preside if the Chairman and Vice-Chairman are not present.
- (ii) Receive apologies for absence and note substitutions.
- (iii) Receive any declarations of interest from Members.
- (iv) Approve the minutes of the last meeting.
- (v) Receive and consider officer reports in connection with the items on the agenda for the meeting, including any supplementary agendas, and taking decisions in line with the committee's or sub-committee's terms of reference as set out in the Constitution.

4. Appointment of substitute members of Committees and Sub-Committees

If a Member of a committee or sub-committee is unable to attend a meeting, another Member of the same political group may act as a Substitute Member of the committee or sub-committee. In the case of the Planning Committee, the Joint Standards Committee (when considering Code of Conduct complaints), the relevant Committee (when determining employment related matters) and Sub-Committees of the Licensing Committee, a Member may only act as a Substitute Member if he or she has received appropriate training.

The Chief Executive or his authorised representative must be notified of the intended substitution not less than 2½ hours before the meeting. For evening meetings, the substitution shall commence on midday on the day of the meeting (or later if notification is received after midday) and shall cease at midday on the day following the meeting. Confirmation of the substitution shall be sent to the Member

who is unable to attend the meeting and his or her substitute, the Member who notified the Chief Executive or his representative of the substitution and the Chairman of the committee or sub-committee.

Different substitution arrangements apply for the Joint Standards Committee and the Sub-Committees of the Licensing Committee.

Substitute Members will have all the powers and duties of any ordinary Member of the committee or sub-committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

5. Appointment of replacement members of committees and sub-committees

Where a Member of a committee or sub-committee is to be replaced by another Member for the remainder of the year, this must be referred to Council for formal appointment.

6. Notice of meetings

(a) *The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules.*

(b) *A Member may give notice in writing to the Chief Executive of an address, other than his usual place of residence, to which he or she wishes agendas to be sent.*

7. Chairman of meeting

If the Chairman of the committee or sub-committee is present he or she will chair the meeting and in his or her absence the Vice-Chairman will chair the meeting. In the event of the absence of both, a person appointed to do so by those present shall preside. *The person presiding at the meeting may exercise any power or duty of the Chairman.*

8. Quorum

The quorum of a meeting of formal committees and sub-committees will be one quarter the membership of that body, or three, whichever is the larger, except where the membership is five or less, in which case the quorum shall be two Members. If no quorum is present after the expiration of 15 minutes from the time fixed by the notice of the meeting, the meeting shall adjourn to a time and date fixed by the Chairman. If he or she does not fix a date, the remaining business will be considered at the next scheduled meeting. During any meeting if the Chairman counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn and the remaining business will be considered at a time and date fixed by the Chairman. However, the meeting may continue if the items are for discussion rather than decision. In the case of the Joint Standards Committee, the quorum is three voting members, to include one Borough Councillor and one Local Councillor, and one non-voting Independent Person.

9. Attendance of staff side representatives at meetings

Representatives of the staff side will be entitled to attend all meetings of the Council's committees and sub-committees, including during consideration of confidential and exempt items.

10. Attendance of Group Leaders and Deputy Leaders at meetings

Group Leaders or their Deputy Leaders will be permitted to attend, in a non-voting capacity, all meetings of the Council's committees and sub-committees, except the Joint Standards Committee.

11. Motions without notice and rules of debate

The rules set out in paragraphs 15. and 16. (a) (b) (c) (f) (g) (h) (i) (j) (k) and (l) of the Council Procedure Rules shall also apply to committees and sub-committees. However, it is recognised that strict adherence to these rules may not be necessary for most meetings of committees and sub-committees where a less formal style of debate is generally more appropriate. These rules may therefore be deemed to be suspended for meetings of committees and sub-committees unless the Chairman of the meeting directs that they be applied. Where they remain suspended it will be the responsibility of the Chairman of the meeting to ensure that Members are given the opportunity to adequately discuss the business of the meeting.

12. Further rules relating to decision making

Decisions will be taken in accordance with the general principles contained within Article 11 of this Constitution.

13. Voting

(a) Majority

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

(b) Chairman's casting vote

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

(c) Show of hands

The mode of voting at meetings of committees and sub-committees shall be by show of hands or, if there is no dissent, by the affirmation of the meeting.

- (d) Recorded vote

The names of all voting on any question shall be recorded in the minutes of that meeting so as to show whether each Member present gave his vote for or against that question or abstained from voting.

- (e) Voting on appointments

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

14. Minutes

- (a) Signing the minutes

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

- (b) Form of minutes

The minutes shall give a formal record of the proceedings and will contain all motions and amendments in the exact form in which they were moved.

- (c) Minutes of meetings of sub-committees shall be included on the agenda for the next meeting of the main committee for information. Any recommendations from committees or sub-committees to Council or another committee contained within the minutes of any meeting shall be dealt with by way of a specific report to Council of the relevant committee on the matter.

15. Record of attendance

The names of the Members present during the whole or part of a meeting of the Council shall be recorded.

16. Exclusion of public and press

Members of the public and press may only be excluded in accordance with the Access to Information Procedure Rules in Part 4 of this Constitution.

17. Disorderly conduct by a Member

- (a) Not to impute improper motives or use offensive words

No Member shall impute improper motives to any Member not present at the meeting or officer whether or not present at the meeting. No Member shall use offensive words to or regarding any Member or officer whether or not present at the meeting in breach of the Member Code of Conduct.

- (b) Member not to be heard further

If a Member persistently disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructs business, the Chairman may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.

- (c) Member to leave the meeting

If the Member continues to behave improperly after such a motion is carried, the Chairman may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion. If it is carried the Chairman may call on such assistance as he considers necessary to ensure that the motion is fully complied with.

- (d) General disturbance

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

18. Disturbance by the public

- (a) Removal of members of the public

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

- (b) Clearance of part of meeting room

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

19. Use of media tools at meetings

In accordance with the Openness of Local Governance Bodies Regulations 2014, the Council has adopted a Protocol on the Use of Media Tools at Meetings Held in Public which is set out included in Part 5 'Codes and Protocols' of this Constitution.

20. Suspension and amendment of procedure rules

- (a) Suspension

Mandatory or Statutory Rules of Procedure are printed in italic type and may not be suspended. Committees and sub-committees shall have the power to suspend procedure rules if expressly given authority through this Constitution.

(b) Contravention of Standing Orders

The proceedings of committees and sub-committees shall not be invalidated by an inadvertent contravention of or non-compliance with the provisions of these Rules relating to the convening of meetings and the constitution and terms of reference of committees and sub-committees.

4.3 Access to Information Procedure Rules

The Council considers that local government derives an important part of its authority and influence from the trust and confidence of the individuals and communities it serves. Access to information in respect of decision making is a necessary prerequisite for generating that trust and confidence. Informed members of the local community are better able to contribute to, and take part in, the work of local authorities. Access to information is central to this process and requires local authorities to establish the appropriate balance between:

- making information readily and openly available to the public
- ensuring that certain areas of personal/public life remain the legitimate subject of confidentiality

1. Scope

These rules apply to all meetings of the Council, its committees and sub-committees (collectively called meetings) and to certain decisions taken by officers as specified by law and provided for in these rules

2. Additional rights to information

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law for example the Data Protection Act 1998 and Freedom of Information Act 2000.

3. Rights to attend meeting

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

4. Rights to report meetings

While meetings are open to the public any person is permitted to report on them in accordance with the protocol for using media tools at meetings set out in Part 5 of this Constitution.

5. Notice of meeting

The Council will give at least five clear days' notice of meetings by publishing details of the meeting at The Basildon Centre, St Martin's Square, Basildon, Essex SS14 1DL and on the Council's website at www.basildon.gov.uk

Where a meeting is convened to conduct urgent business the Council will give as much notice as possible of the meeting.

6. Access to agendas and reports before meetings

The Council will make copies of agendas and accompanying reports that are open to the public available for inspection at The Basildon Centre and on the Council's website at least five clear days before the meeting. They will also be available at local libraries as soon as is practicable after publication. If an item is added to the agenda after publication, the revised agenda will be open to inspection from the time the item was added to the agenda.

Copies of the agenda and accompanying reports will be sent to members of the committee or sub-committee.

Where urgent business is brought forward before or at the meeting or a meeting is convened by less than five days' notice, copies of the accompanying reports will be made available as soon as conveniently possible.

6. Supply of Copies

The following will be made available for inspection at the Council's offices and on its website.

- (a) any agenda and reports which are open to public inspection
- (b) any background papers listed within the reports
- (c) if the Proper Officer thinks fit, copies of any other documents supplied to Councillors in connection with an item to any person, on payment of a charge for postage and any other costs

7. Access to minutes etc. after meetings

In addition to publishing information on the Council's website, the Council will make available upon request copies of the following for six years after the event:

- (a) the minutes of meetings or records of decisions taken together with reasons for all meetings of formal committees, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information. The Council aims to publish minutes of meetings within 5 working days following the meeting;
- (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;
- (d) reports relating to items when the meeting was open to the public.

8. Background papers

- (1) List of background papers

In every report a list will appear of those documents (called background papers) relating to the subject matter of the report which in the opinion of the Proper Officer:

- (a) disclose any facts or matters on which the report or an important part of the report is based;
- (b) have been relied on to a material extent in preparing the report but not including published works or those which disclose exempt or confidential information (as defined in Rule 9)

(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

The public have the right to attend meetings of the Council and its committees and sub-committees subject to the provisions of the Constitution. The public have rights to information outlined in this Constitution and provided by law including the Openness of Public Bodies Regulations 2014.

10. Exclusion of access by the public to meetings

(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.

(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.

11. Meaning of confidential information

Confidential information is defined as 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.

12. Meaning of exempt information

Exempt information means information falling within the following seven categories (subject to the conditions and interpretations set out below)

Paragraph and Definitions

Interpretation and conditions

- 1. Information relating to any individual.
- 2. Information which is likely to reveal the identity of an individual.

Paragraph and Definitions

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.

Interpretation and conditions

Information is not exempt if it is required to be registered under the:

- Companies Act 1985;
- the Friendly Societies Act 1974;
- the Friendly Societies Act 1992;
- the Industrial and Provident Societies Acts 1965 to 1978;
- the Building Societies Act 1886 or
- the Charities Act 1993.

“Financial and business affairs” includes contemplated, as well as past or current activities.

Employee means a person employed under a contract of service.

“Labour relations matters” means any matters specified in section 218(1)(a) to (g) of the Trade Union and Labour Relations (Consolidation) Act 1992.

These matters also apply to office holders as to employees.

Notes:

- (a) Information is not exempt if it relates to proposed development for which the local planning authority may grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.
- (b) Information falling within any of paragraphs 1-7 and which is not prevented from being exempt by any of the above conditions, is exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- (c) Where the meeting will determine any person's civil rights or obligations, 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 that Article.

13. Exclusion of access by the public to reports

If the Proper Officer considers it appropriate, the Council may exclude access by the public to reports which in his/her opinion relate to items during which, in accordance with Rule 12 above, the meeting at which those reports are to be discussed 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.

14. Access to meetings by Members during consideration of items contain confidential or exempt information and access to reports

Where confidential or exempt business is to be discussed at a meeting of the Council, a committee or sub-committee, any Member may, at the discretion of the Chairman of the committee or sub-committee, attend the meeting to observe, but may only participate in the discussion at the discretion of the Chairman.

Members will on request be sent copies of any Committee or Sub-Committee report.

This rule does not apply to meetings of the Joint Standards Committee held to consider complaints against Councillors. Also, it does not override Rule 10 of the Committee and Sub-Committee Procedure Rules in respect to the attendance of Group Leaders and Deputy Leaders at meetings.

15. Additional rights of access for Members

- (1) Material relating to previous business

All Members will be entitled in order to discharge their obligations as members to inspect any part of any document which is in the possession or under the control of the Council and contains material relating to any decisions unless it contains exempt information falling within paragraphs 1, 2, 4, 5 and 7 of the categories of exempt information.

(2) Nature of rights

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

16. Officer decision making

1. Where an officer makes a decision that would otherwise have been taken by the Council, or a committee, sub-committee or a joint committee in which the Council participates, but it has been delegated to an officer either:
 - a. Under a specific express authorisation
 - b. Under a general authorisation to officer to take such decisions, and the effect of the decision is to –
 - (i) Grant a permission or licence;
 - (ii) Affect the rights of an individual; or
 - (iii) Award a contract or incur expenditure which, in either case, materially affects the Council's financial position,

(For the purposes of (iii) above, the Council has defined the value as over £100,000)

Then the officer must produce a written record of any decision which falls within any of the above categories.

2. The written record must be produced as soon as reasonably practicable after the decision-making officer has made the decision and must contain the following information:
 - a. The date the decision was taken;
 - b. A record of the decision taken along with the reasons for the decision;
 - c. Details of alternative options, if any, considered and rejected; and
 - d. Where the decision falls under paragraph 2(a), the name of any Member of the Council who has declared a conflict of interest in relation to the decision.
3. The duty is satisfied where, in respect of a decision, a written record containing the information referred to in sub-paragraphs (a) and (b) of paragraph 2 is already required to be produced in accordance with any other statutory requirement.

17. Decisions and background papers to be made available to the public

1. The written record, together with any background papers, must as soon as reasonably practicable after the record is made, be made available for inspection by members of the public –

- a. At all reasonable hours, at the offices of the Council;
 - b. On the Council's website; and
 - c. By such other means that the Council might consider to be appropriate
2. On request, and if the Council considers appropriate on the receipt of payment for postage, copying and other necessary charges for transmission, the Council must provide to the person who has made the request:
 - a. A copy of the written record
 - b. A copy of any background papers
 3. The written record must be retained by the Council and made available for inspection by the public for a period of six years beginning with the date on which the decision, to which the record relates, was made.
 4. Any background papers must be retained by the Council and made available for inspection by the public for a period of four years beginning with the date on which the decision, to which the background paper relates, was made.
 5. In this section "written record" means the record required to be made by paragraph 13 (1) or the record referred to in paragraph 13(3) as the case may be

18. Confidential and exempt information

1. Nothing in these rules is to be taken to authorise or require the disclosure of confidential information in breach of the obligation of confidence.
2. Nothing in these rules:
 - a. authorises or requires the Council to disclose to the public or make available for public inspection any document or part of a document if, in the opinion of the proper officer, that document or part of a document contains or may contain confidential information
 - b. requires the Council to disclose of the public or make available for public inspection any document or part of a document if, in the opinion of the proper officers, that document or part of a document contains or is likely to contain exempt information.

4.4 Budget and Policy Procedure Rules

1. Council responsibility

The Council will be responsible for the adoption of its budget and policies as set out in Article 4. Once the budget and policies are approved, it will be the responsibility of the Council's committees and sub-committees to implement them.

2. Process for developing the budget and policies

Policy

The process by which policies shall be developed or revised is:

- a. The relevant Committee will develop policy or review policies having taken into account the views of Member working groups, committees, sub-committees and consultees.
- b. The Local Development Plan will be approved by Council on the recommendation of the Committee that is responsible for developing planning policy.
- c. The Corporate Plan will be developed by the Policy Executive Committee and recommended to Council.
- d. The Licensing and Gambling policies will be recommended to Council by the Licensing Committee.
- e. The Crime and Disorder Reduction Plan will be recommended to Council by the Committee responsible for community safety.
- f. For all other plans and strategies, the determination of whether or not they are of corporate significance and, as a result, are subject to approval by the Policy Executive Committee will be made by the Policy Executive Committee on the recommendation of the Head of Paid Service.
- g. When considering a policy, Council may adapt the policy, amend it, or refer it back to the relevant Committee for further consideration.

Budget

The process by which the budget shall be developed is:

- a. The Resources and Commercial Committee will publish initial budget proposals and a timetable for proposals to be made to the Council.
- b. Relevant parts of the Resources and Commercial Committee's proposals shall be referred to the Council's other main Committees for advice and consideration or further advice and consideration as the case may be.

- c. The Resources and Commercial Committee will receive and consider the advice and comments from the Council's other main committees and prepare a budget for consideration and final agreement by the Council.
- d. The Council will consider the proposals of the Resources and Commercial Committee and may adopt them with or without amendments.

3. Virement and supplementary estimates

Virement between budget heads and supplementary estimates is an integral and important feature of budgetary control. It allows service providers to adapt to service changes within Council policy. The detailed procedures for virement and supplementary estimates can be found in Section 7 of the Financial Regulations in Part 4 of the Constitution.

4. Decisions outside the budget or contrary to policy

- a. Subject to the provisions of paragraph 3 the Council's Committees and Sub-Committee and any Officers or joint arrangements may only take decisions which are in accordance with the budget.
- b. If any of these bodies or persons wishes to make a decision which is contrary to policies that require approval by Council, then subject to 5 below, that decision may only be taken by the Council.
- c. The Monitoring Officer and/or the Chief Financial Officer will advise as to whether the decision they want to take would be contrary to policy, or contrary to or not wholly in accordance with the budget.

5. Urgent decisions outside the budget or policy framework

Where a decision which is outside budget or approved policy is urgent it shall be taken in accordance with the Urgent Decision Procedure Rules.

6. In-year changes to policy framework

The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the Committees or officers, or joint arrangements, must be in line with it. No changes to any policy and strategy which makes up the policy framework may be made by those bodies or individuals except those changes which are necessary to ensure compliance with the law, ministerial direction or Government guidance.

4.5 Financial Regulations

The Financial Regulations, as set out here, provide the overall key control framework to enable the organisation to exercise effective financial management and control of its resources and assets.

Basildon Borough Council is committed to the delivery of quality services and so needs to be responsive to the changing demands and expectations of its customers.

The Council is committed to improving the lives of our residents and creating opportunity and prosperity for local people and businesses.

In support of this commitment, the Council's financial management framework needs to be relevant and flexible enough to meet the challenges ahead. The change from the traditional role of local government to one of community leader and place-shaper involved with greater partnership working, have had a major influence on the delivery of local services. The significant reductions in Government grant experienced by the council in recent years have forced the Council, and indeed the whole of local government, to radically rethink and transform the delivery of services. The Council aims to be self-financing and in order to deliver this will become involved in commercial activities. The Financial Regulations provide the financial controls and procedures necessary to address the demands on local government and create the financial environment in which the Council's ambitions can be delivered.

The regulations also provide clarity about the financial accountabilities of individuals - Members, the Chief Executive, the Head of Paid Service, the Monitoring Officer, the Section 151 Officer (Chief Financial Officer), other Directors and staff in general. These Regulations are therefore formally approved by the Council as a key part of the Constitution.

Another key purpose of the regulations is to support and protect Members and staff in the performance of their duties where financial issues are involved. The Chief Financial Officer is authorised to provide a comprehensive set of Financial Procedure Notes (FPNs) to support the formal Regulations and to facilitate the operation and application of the Council's financial management arrangements. Like the Regulations themselves, the FPNs are regularly reviewed and updated to meet changing circumstances and the changing requirements of the Council. The FPNs are available on the Council's intranet.

These Regulations need to be read in conjunction with the remainder of the Constitution and any other regulatory documents of the Council. Please address queries or comments regarding the Council's Financial Regulations and Financial Procedure Notes to the Chief Financial Officer (the Section 151 Officer).

**BASILDON BOROUGH COUNCIL
FINANCIAL REGULATIONS**

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Section 1: General

WHY ARE THESE REGULATIONS IMPORTANT?

It is important that the Council has a sound and effective financial management framework in place to safeguard the organisation's financial arrangements and activities, to support staff and to manage risk. The Local Government Act 1972 Section 151 requires the Council to nominate one of its Officers to be responsible for the proper administration of its financial affairs. The Officer so appointed is the Director of Resources who is also the Council's Chief Financial Officer. Financial Regulations form part of the Council's corporate governance arrangements and provide a control framework through which the Director of Resources carries out his statutory duty as the Section 151 Officer on behalf of the Council.

(1) Application of Financial Regulations

Financial Regulations are the framework for managing the Council's financial affairs. They apply to every Member and Officer of the Council and anyone acting on its behalf:

- (i) These Regulations identify the financial responsibilities of the Council, its committees and sub-committees, the Head of Paid Service, the Monitoring Officer, the Chief Financial Officer and Directors generally. References to the Chief Financial Officer refer to the Director of Resources acting in that role.
- (ii) **References in these Regulations to Directors, the Chief Executive and the Senior Leadership Team (SLT) shall be applicable to all these groups, and shall in every case be considered as referring to all persons acting on their behalf (whether authorised to do so or not).** The Chief Financial Officer has a nominated Deputy who has authority to act on their behalf. In certain cases as specified in these Regulations, Directors are required to maintain a written record of where financial decision making has been delegated to members of their staff, including seconded and temporary staff.
- (iii) These Regulations apply equally to any service carried out by the Council on behalf of any other authority, body or person, and to all external agencies and their employees incurring expenditure or receiving income on behalf of the Council. Accordingly partnership and other arrangements with external parties will not be set up to operate in conflict with these Regulations as far as this Council's involvement is concerned.
- (iv) Any action which is an exception to these Regulations may only be approved in exceptional circumstances by the Chief Financial Officer in consultation with the Chairman of the Resources and Commercial Committee and a report setting out the reasons for such action shall be submitted to the next available meeting of the Resources and Commercial Committee.

- (v) These Regulations shall apply until such time as they are rescinded, amended or suspended by Council.
- (vi) The Regulations are supported by a set of Financial Procedure Notes (FPNs) which provide mandatory detailed direction on the arrangements to be complied with.
- (vii) In the event that FPNs are in conflict with the Financial Regulations the Financial Regulations have precedence.

(2) General Responsibility

- (i) **All Members and staff have a general responsibility for taking reasonable action to provide for the security of any assets under their control, and for ensuring that the use of these resources is legal and properly authorised, and that economy, efficiency and effectiveness are secured at all times.**
- (ii) All members of SLT are responsible for informing the Chief Financial Officer of any matter liable to materially affect the finances (including any financial irregularities) of the Council including negotiations with government departments, before any commitment is incurred or arrangements reached. This includes the Council becoming a shareholder in or owner of any company. It also includes information about the availability or non-availability of financial resources.

(3) Compliance

- (i) **Members of SLT are responsible for making all staff in their departments aware of the existence and content of these Financial Regulations and related Financial Procedure Notes, and for their compliance with them.** These documents are also accessible on the Council's intranet.
- (ii) **Compliance with Financial Regulations is mandatory.** Breaches of Financial Regulations of a serious nature may result in disciplinary proceedings. Breaches shall be reported in the first instance to the Chief Financial Officer who will decide what further action needs to be taken, if necessary, in consultation with the Monitoring Officer. Where the Chief Financial Officer considers it appropriate he will report such breaches and any action taken following such a breach to the next meeting of the Audit and Risk Committee.

(4) Review

- (i) The Chief Financial Officer shall maintain a continuous review of the Financial Regulations and has the authority to amend and update them as appropriate to reflect statutory changes or to ensure that their meaning is clear. Except where provided in (ii) below, any other changes should be submitted to Council for approval.
- (ii) Any financial amounts referred to in these Regulations may be varied by the Chief Financial Officer in line with the Consumer Prices Index or otherwise as required by statute.
- (iii) The Chief Financial Officer will issue from time to time Financial Procedure Notes (FPNs) to support these Regulations. These mandate detailed financial controls and procedures consistent with these Regulations. Such supplementary controls and procedures carry the same status as these Regulations.

(5) Financial Competencies

All Officers who have responsibility for a budget or financial decision making shall be required to demonstrate appropriate financial competencies. The methods by which such competence is demonstrated may involve internally delivered training, external certification or any other approach agreed by the Chief Financial Officer.

Financial competencies shall be included in all relevant job descriptions and person specifications and demonstration of such shall form part of all recruitment activity and of the council's overall performance management framework.

(6) Finance Training for Members

Financial training and development opportunities will be offered to all Members of the Council as appropriate.

(7) Document Retention

Directors must ensure that their services comply with the requirements of the Council's document retention policy.

Section 2: Internal Controls

WHY ARE THESE REGULATIONS IMPORTANT?

The functions of the Council are diverse and therefore to ensure delivery of the Council's strategic objectives, a framework of internal controls is required.

The Council has statutory obligations and therefore requires internal controls to identify, meet and monitor compliance with these obligations.

Moreover the Council is required to produce an Annual Governance Statement (AGS). The Council has adopted a Code of Corporate Governance, which is consistent with the principles of the CIPFA (Chartered Institute of Public Finance and Accounting) Delivering Good Governance in Local Government Framework (2016). The AGS is produced following a review of the Council's governance, risk management, counter fraud and internal control arrangements and explains how Basildon Borough Council delivers good governance against the seven key principles of good governance. It also reviews the effectiveness of these arrangements and includes an action plan to address any significant governance issues identified.

The Council faces a wide range of financial, administrative and commercial risks which need to be managed to enable the Council to achieve its objectives. Internal controls are necessary to manage these risks in line with the Council's risk appetite.

A system of internal controls is established in order to provide measurable achievement of:

- (a) Efficient and effective operations,
- (b) Reliable financial information and reporting,
- (c) Compliance with laws and regulations, and
- (d) Risk management.

Advice and guidance on an appropriate internal control environment can be obtained from Internal Audit.

A transparent framework of financial management responsibilities and decision making is essential to the effective management of the Council's financial affairs. All Members and officers have a common duty to abide by the highest standards of integrity and propriety when making decisions about the use of public money.

(1) Members

- a. Members' responsibility for the overall management of the Council's financial affairs is exercised through the application of the provisions of the Council's Constitution. In summary these responsibilities are:
 - (a) The Council - The Council is responsible for:
 - approving or adopting (with or without modification) any plans and strategies that form the Council's policy framework.

- approving amendments to the Council’s Constitution, Financial Regulations and Contract Procedure Rules.
 - approving the overall budget which is the statement identifying the allocation of financial resources, including capital resources, to different services and projects and to contingency provisions and reserves. The Annual Budget setting process includes the determination of such allocations and the setting of the Council Tax.
 - adopting or modifying a plan or strategy for the control of the Council's borrowing, investments or capital expenditure and determination of the Council’s Capital and Investment Strategy. The Capital and Investment Strategy includes the Investment Strategy, Debt Repayment Policy and the Prudential Indicators.
- (b) The Resources and Commercial Committee is responsible for proposing the policy framework and budget to Council.
- (c) The Resources and Commercial Committee is responsible for the approval of any plans and strategies in connection with the implementation of the Council’s budget and policy framework as set out in the Council’s Constitution and Financial Regulations.
- (d) Committees are responsible for maintaining a strategic overview of service areas within their remit, monitoring performance, promoting efficient and high quality service provision and dealing with issues as set out in the Council’s Constitution, Financial Regulations and Contract Procedure Rules.
- (d) The Audit and Risk Committee is responsible for:
- approving, following audit, the Council’s statement of accounts.
 - reviewing external auditor reports including the annual audit letter, Internal Audit’s Annual Plan and report and monitoring management action in response to the issues raised by External Audit.
 - the effective scrutiny of the Council’s Treasury Management Strategy and associated policies.
 - ensuring that the Council’s assurance statements, including the Annual Governance Statement, properly reflect the position of the Council, the current risk environment and appropriately identify actions to deliver improvement.

The Audit and Risk Committee has the right of access to all of the information it considers necessary to perform its functions and can consult directly with internal or external auditors.

(2) The Chief Financial Officer

- (i) The Chief Financial Officer has statutory duties in relation to the financial administration and stewardship of the Council. This responsibility cannot be overridden. The statutory duties arise from:
 - (a) Section 151 of the Local Government Act 1972.
 - (b) The Local Government Finance Act 1988.
 - (c) The Local Government and Housing Act 1989.
 - (d) The Local Government Finance Act 1992.
 - (e) The Local Government Act 2000.
 - (f) The Local Government Act 2003.
 - (g) The Accounts and Audit Regulations 2011.
 - (h) The Localism Act 2011.
 - (i) The Local Government Finance Act 2012.
 - (j) The Audit and Accountability Act 2014.
- (ii) Guidance on the role of the Chief Financial Officer is also given by the Chartered Institute of Public Finance and Accountancy (CIPFA) in the paper entitled 'The Role of the Chief Financial Officer in Local Government'.
- (iii) The Chief Financial Officer has nominated deputies who can act for them in their absence to ensure that these statutory obligations continue to be met.
- (iv) The Chief Financial Officer is responsible for:
 - (a) the proper administration of the Council's financial affairs.
 - (b) setting financial management standards and monitoring compliance with them.
 - (c) advising on the corporate financial position and on the key financial controls necessary to secure sound financial management.
 - (d) providing financial information.
 - (e) preparing the revenue budget and capital programme.
 - (f) reporting on the robustness of estimates made for the purposes of preparing budgets and the adequacy of the proposed financial reserves.
 - (g) the execution and administration of treasury management decisions in accordance with the Council's Capital and Investment Strategy.
 - (h) preparing the Council's Annual Statement of Accounts in accordance with all applicable codes of practice on Local Authority accounting.

The Chief Financial Officer may delegate their day to day responsibilities to an appropriate representative.

The Chief Financial Officer shall report to the Council, Resources and Commercial Committee, Audit and Risk Committee and the External Auditor in fulfilment of the statutory obligations under Section 114 of the Local Government Finance Act 1988 or otherwise if the Authority or any of its Officers:

- (a) has made, or is about to make, a decision which involves incurring unlawful or unauthorised expenditure.
 - (b) has taken, or is about to take, an unlawful or unauthorised action which has resulted or would result in a loss or deficiency to the Council.
 - (c) has made or is about to make an unlawful or unauthorised entry in the Council's accounts.
- (v) The Chief Financial Officer shall assist the Council to put in place an appropriate control environment and effective internal controls which provide reasonable assurance of effective operations, financial stewardship, effective risk management, probity and compliance with laws and regulations.
- (vi) The Chief Financial Officer shall ensure that there are effective and properly resourced internal audit and risk management functions, that key controls are operating effectively and that controls are recorded and managed within an effective risk management framework.

(3) Senior Leadership Team

- (i) Members of SLT are responsible for ensuring that:
 - (a) the approval of the Chief Financial Officer is sought on any matter liable to affect the Council's finances materially, before any commitments are incurred.
 - (b) Members of all Committees are advised of the financial implications of all proposals and that these have been previously agreed by the Chief Financial Officer (see Section 6).
 - (c) contracts are duly signed on behalf of the Council.
- (ii) Members of SLT shall ensure that:
 - (a) managerial control systems operate effectively throughout their directorates. These will include the defining of policies, the setting of objectives and plans, the monitoring of financial and other performance, and the taking of appropriate anticipatory and remedial action. The key objective of these systems is to promote ownership of the control environment by defining roles and responsibilities and ensuring staff have a clear understanding of the consequences of any lack of control.

- (b) financial and operational control systems and procedures operate effectively throughout their directorates. These will include physical safeguards for assets, segregation of duties, checking and authorisation procedures and information systems.
- (c) key controls and control objectives for internal control systems are reviewed regularly in order to be confident as to the proper use of resources, achievement of objectives and management of risk.
- (d) processes are managed so as to check that established controls are being adhered to and are effective.
- (e) existing controls are reviewed in the light of changes affecting the Council and new controls are established and implemented in line with guidance from the Chief Financial Officer.
- (f) controls which are no longer necessary or that are no longer cost or risk effective, are removed in consultation with the Chief Financial Officer.
- (g) assurance over the control environment is provided as part of the governance assurance framework.

Section 3: Revenue Budget

WHY ARE THESE REGULATIONS IMPORTANT?

The Council is responsible for producing an overall policy framework. The purpose of the framework is to explain overall priorities and objectives, and ensure that resources follow the identified priorities, agreed service levels and proposals for improvement. The revenue budget is important in this context because, together with the capital programme (see Section 4) and the levels of reserves (see Section 5), it expresses the approved policies and service levels of the Council in financial terms.

Once approved, the revenue budget confers authority to incur expenditure to achieve the aims and objectives of the Council. If expenditure plans cannot be met within the approved budget, then they can only proceed with an approval to divert funds (as provided for in Section 7).

- (1) Section 4.4 of the Constitution sets out the process by which the Council's budget (both revenue and capital) is developed.
- (2) The Chief Financial Officer shall:
 - (i) recommend to the Resources and Commercial Committee appropriate guidelines for preparation of the annual budget, the financial forecast for at least the following three financial years and the medium term financial strategy that covers a minimum period of ten years.
 - (ii) issue appropriate guidance to Directors and Members of the Council and prepare a corporate budget timetable.
 - (iii) ensure the approved budget guidelines are complied with so that statutory and other deadlines can be met.
- (3) Members of SLT shall:
 - (i) submit to the Chief Financial Officer estimates in accordance with the budget guidelines and within agreed time scales.
 - (ii) ensure that the estimates are prepared having regard to the Corporate Plan, Local Code of Governance and other corporate aims and objectives.
 - (iii) supply to the Chief Financial Officer an estimated profile of the rate of expenditure or income as contained within their approved budget across the year.
 - (iv) provide any other information the Chief Financial Officer may require.
 - (v) Ensure that their staff comply fully with the guidance and timetables issued to ensure that the Council's Budget is prepared on an appropriate basis and in a timely manner.

- (4) The Chief Financial Officer, after seeking views of the Council's Committees, shall report to the Resources and Commercial Committee who shall make recommendations to Council on:
- (i) the revenue estimates, ensuring that the content and format comply with legal requirements and relevant codes of practice.
 - (ii) the robustness of the estimates made for the purposes of calculations and the adequacy (or otherwise) of the Council's reserves.
 - (iii) any significant surplus or deficit arising on the Collection Fund with a recommended course of action.
 - (iv) the **final** proposed budget.
 - (v) The proposed level of Council Tax for the year in question.
- (5) Subject to (6) below, the approval of a budget for the year by Council confers authority to spend in accordance with the budget for that year. Directors and Committees are responsible for co-ordinating programmes of expenditure and income that will achieve the objectives on which the budget was based. Commitments affecting future financial years may only be made where the provisions of Section 7(6) are satisfied.
- (6) Directors shall not enter into any new arrangements or other contractual commitments with significant long-term revenue consequences without the prior consent of the Chief Financial Officer and, if appropriate, subsequently the Resources and Commercial Committee. The definition of such arrangements for the purposes of this paragraph is any lease, contract hire or other contract or series of contracts under which the use of an asset is obtained in exchange for a series of revenue payments which extend beyond the end of the following financial year.
- (7) If a Director, Committee or sub-committee wishes to incur expenditure outside the approved budget provision, or anticipates an under spend against an approved budget, the procedures set out in Section 7(4) (Virements between budgets) and (5) (Supplementary estimates) shall apply.
- (8) Directors shall give the Chief Financial Officer early warning of known underspends, overspends and changes to planned resources so that the availability of uncommitted resources may be monitored effectively.
- (9) Directors shall notify the Chief Financial Officer in writing of the names of any Officers in their department authorised to act on their behalf in relation to the specific responsibilities set out in this Section, together with specimen signatures and details of any limitation on the authority delegated to them.

Section 4: Capital Programme

WHY ARE THESE REGULATIONS IMPORTANT?

The revenue budget (Section 3) and the capital programme together express the approved policies and service levels of the Council in financial terms. It is important to ensure that the Council achieves maximum economy, efficiency and effectiveness from the use of its capital resources and directs those resources into the agreed priority areas.

- (1) The Chief Financial Officer shall:
 - (i) issue detailed procedures/guidance on the preparation of the capital programme.
 - (ii) prepare annually a rolling Capital Programme (year of budget plus at least the following 3 years and, if necessary, any longer period) based on the current Corporate Plan, Asset Management Plan, Housing Revenue Account Business Plan and other relevant corporate plans and strategies and submit this to the Resources and Commercial Committee who shall consider these proposals and recommend them to Council for approval.
 - (iii) report to the Resources and Commercial Committee and Council on the overall position and the availability of resources to support the Capital Programme.
 - (iv) ensure that the revenue implications of the Capital Programme are contained within the Revenue Budget and medium term financial strategy.
 - (v) ensure that sources of funding (e.g. revenue, capital grants, capital receipts, borrowing) are allocated for the entire programme and that all schemes are properly appraised and provide value for money.
- (2) The Chief Financial Officer (or any other Director who has functional responsibility for asset management) is responsible for preparing an Asset Management Plan and submitting this to the Resources and Commercial Committee for approval.
- (3) Members of SLT shall:
 - (i) submit to the Chief Financial Officer estimates of the cost of capital spending proposals and the estimated amount and timing of any capital receipts, and other contributions receivable.
 - (ii) ensure that the estimates submitted are prepared having regard to the Corporate Plan and other corporate aims and objectives described in 1(ii).
 - (iii) provide any other information the Chief Financial Officer may require for the review, monitoring or control of the capital programme.

- (4) In appraising any capital scheme, Directors shall have regard to the risk of triggering claw back or breaching restrictive covenants or other contractual conditions in relation to land or otherwise.
- (5) The inclusion of a capital scheme within an approved capital programme shall confer authority to spend, including expenditure which may fall in a subsequent financial year, subject to the:
 - (i) provisions of the Council's Contracts Procedure Rules.
 - (ii) provisions of (6) below.
- (6) If a member of SLT wishes to incur expenditure outside the approved capital programme provision, the procedures set out in Section 7(4) (Virements between budgets) and (5) (Supplementary estimates) shall apply.
- (7) Members of SLT shall give the Chief Financial Officer early warning of known underspends, overspends and changes to planned resources so that the availability of uncommitted capital resources may be monitored effectively.
- (8) Members of SLT shall notify the Chief Financial Officer in writing of the names of any Officers in their department authorised to act on their behalf in relation to the specific responsibilities set out in this Section, together with specimen signatures and details of any limitation on the authority delegated to them.

Section 5: Reserves Policy

WHY ARE THESE REGULATIONS IMPORTANT?

It is important that the Council has a policy setting out its approach to reserves. It is also a requirement of Sections 32 and 43 of the Local Government Finance Act 1992 that each local authority has regard to the level of resources needed to meet estimated future expenditure when calculating its annual Council Tax requirement.

This policy also has regard to LAAP (Local Authority Accounting Panel) Bulletin 99 'Local Authority Reserves and Balances'.

All reserves form part of the General Fund. The Housing Revenue Account balance is specifically ring fenced for use in connection with that account.

The Chief Financial Officer has a fiduciary duty to local tax payers and must be satisfied that the decisions taken on reserve balances represent proper stewardship of public funds.

- (1) There is no specified minimum level of reserves that an authority should hold. It is the responsibility of the Chief Financial Officer to advise the Council about the level of reserves.
- (2) Types of Reserves
 - (i) The Council shall maintain the following reserves:
 - (a) General reserves - to manage the impact of uneven cash flows and unexpected events or emergencies. The general reserves do not have any restrictions as to their use.
 - (b) Earmarked reserves - sums set aside from time to time to meet known or predicted specific requirements, exceptional risks and uncertainties (e.g. Contingency Reserve).
 - (ii) The Council shall maintain a number of other reserves that arise out of the interaction between legislation and proper accounting practices. These reserves, which are not resource-backed and cannot be used for any other purpose, will be identified in the Statement of Accounts.
 - (iii) Details of all reserves, including in-year movements and year-end balances shall be contained in the Council's Statement of Accounts.
- (3) Principles to Assess the Adequacy of Reserves/Balances
 - (i) The Chief Financial Officer will advise the Council on the adequacy of reserves. In considering the level of general reserves, the Chief Financial Officer will have regard to:
 - (a) The strategic financial context within which the Council will be operating through the medium-term.
 - (b) The overall effectiveness of governance arrangements and the system of internal control.
 - (c) The robustness of the financial planning and budget-setting process.

- (d) The effectiveness of the budget monitoring and management processes.
- (ii) Having had regard to these matters, the Chief Financial Officer will advise the Council on the monetary value of the required general reserve balance.
- (iii) In exceptional circumstances, the actual level of the Council's reserves may happen to or may be allowed to fall below the level that was considered appropriate. This may be consistent with the need to meet short-term unforeseen expenditure. However, the actual level will be monitored against reserve levels outlined in the Council's Medium Term Financial Strategy (MTFS). The MTFS will set out the level of planned reserves and if the actual level falls outside of the MTFS planned level, a plan shall be agreed by Council, on the advice of the Chief Financial Officer and the Resources and Commercial Committee, to restore balances to the appropriate level.
- (iv) In considering earmarked reserves, the Chief Financial Officer will have regard to the purpose and usage in respect of each reserve and will advise Members accordingly.

(4) General Reserves

Basis of transactions – If it is deemed necessary to utilise part of the General Reserves the following approvals shall apply on a cumulative basis annually:

| | |
|--|--------------------------------|
| Up to £50,000 | By the Chief Financial Officer |
| Up to £50,001 to £250,000 | By service committees |
| Over £250,001 to £400,000 Committee | By Resources and Commercial |
| Over £400,000 | By Council |

All such approvals shall be accompanied by proposals to replenish the general reserves.

Carry forward of budgets from previous financial years (revenue and capital) shall be approved by the Chief Financial Officer in consultation with the Chairman of the Resources and Commercial Committee (See 7 (3) ii).

The Chief Financial Officer will report the use of the general reserves to the next available Resources and Commercial Committee. Any use of general reserves that would cause the balance on the General Fund or the HRA to fall below the minimum level determined by the Chief Financial Officer in the annual budget report must be approved by Council.

(5) Establishing and Utilising Earmarked Reserves

- (i) When establishing earmarked reserves, compliance with the Code of Practice on Local Authority Accounting and, in particular, the need to distinguish between reserves and provisions must be complied with.

- (ii) The CIPFA Code of Practice states that for each reserve established, the purpose, usage and the basis of transaction should be clearly identified.
- (iii) The Council may also create new or add to earmarked reserves at any time. The following approvals apply in respect of the initial balance to be placed in the reserve:

| | |
|----------------|---|
| Up to £100,000 | Chief Financial Officer in consultation with the Chief Executive |
| Up to £250,000 | Chief Financial Officer in consultation with the Chairman of the Resources and Commercial Committee |
| Up to £500,000 | By the Resources and Commercial Committee |
| Over £500,000 | By Council |

The approval for establishing the earmarked reserve should include the following information:

- (a) Purpose – the reason for creating the reserve should be clearly stated.
- (b) The proposed further transfers to the reserve (if any)
- (c) Usage – there should be a clear statement of how and when the reserve can be used. Without a clearly defined purpose and clearly defined usage there will be ambiguity over the application of reserves.

Basis of transactions, management and control:

- (i) the Chief Financial Officer will be responsible for managing the earmarked reserve (including altering the year to year profiling if required) and will have delegated authority, to be exercised in accordance with the requirements of the Financial Regulations, for approval of budget allocations in accordance with the purpose of the reserve, although day to day management of the reserve may be delegated to a specific officer.
- (ii) Such use of earmarked reserves will be reported to Resources and Commercial Committee.
- (iii) Use of an earmarked reserve for any purpose not in accordance with the purposes for which it was established must be approved in accordance with (4) above.
- (iv) Once an earmarked reserve has fulfilled the purpose for which it was established the Chief Financial Officer shall advise the Resources and Commercial Committee on whether the balance should be allocated to another similar purpose reserve or surrendered to the Council's overall reserves.

(6) Reporting of Reserves

- (i) The Chief Financial Officer will monitor the overall reserves position and report such to the Resources and Commercial Committee through normal budget monitoring reports as and when required.

- (ii) As part of the budget setting report to Council the Chief Financial Officer will include:
 - (a) A statement of movements in reserves for the year ahead and the following 3 years (or more if necessary).
 - (b) A statement of the adequacy of general reserves and provisions in the forthcoming year.

Section 6: Reports to Members

WHY ARE THESE REGULATIONS IMPORTANT?

Member decisions should be made on the basis of sufficient and accurate information ensuring that both the financial and risk management implications of a decision are properly considered. This section sets out the requirements for the provision of financial information in reports to Members.

- (1) All financial and risk management implications must be detailed within Committee reports and be validated by the Chief Financial Officer (for Financial Implications) prior to their progression through the approval process. Informal advice to Members shall also have regard to these arrangements.
- (2) All comments and observations made by the Chief Financial Officer (or delegate) must be considered by the report author. Where the author decides not to reflect such advice in the report this should only be done after consultation with the Chief Financial Officer (or delegate).
- (3) Reports shall only be put before the Council, its Committees or Sub-Committees if both the financial and risk management implications for the Council have been considered and presented fairly in the report.
- (4) Consultation shall take place as appropriate between the authors of reports, the Chief Financial Officer and any other members of SLT affected, in good time for any financial and risk management implications to be properly identified.
- (5) Report authors shall follow the guidance set out in FPN 1 'Financial Implications Advice to Members' when drafting the financial implications section of their report.
- (6) Where there are no financial or risk management implications or they are negligible, the report shall say so.

Section 7: Budgetary Control

WHY ARE THESE REGULATIONS IMPORTANT?

Budgetary control ensures that once Council has approved a revenue budget or a capital programme, the resources allocated are used for their intended purposes, i.e. the agreed priority areas, and are properly accounted for. It is a continual process, enabling the Council to review and adjust its budget targets during the financial year to make the most effective use of resources in delivering the Council's policies and objectives. The budgetary control framework also sets out the accountabilities of managers for defined elements of the budget.

By continually identifying and explaining variances against budgets, the Council can identify changes in trends and resource requirements at the earliest opportunity.

Each service is required to manage its own expenditure within approved resources and to identify any surplus resources for diversion to other priorities or to support any savings requirements. The mechanisms described here provide for switching funds between budgets, including contingencies and reserves, where required in order to maintain service levels and achieve policy objectives.

Members of SLT are responsible for alerting the Chief Financial Officer to any issues with the potential to affect revenue or capital budgets or resources in the current year or future years, and where significant the Chief Financial Officer shall report such matters to the relevant Committee at the appropriate time.

Performance reports, including the outcomes of budget control activities, are submitted to the Council's Committees as appropriate as part of the Budget Monitoring process highlighting any significant budget variances.

(1) Overall Responsibility for Budgetary Control

The Chief Financial Officer is responsible:

- (i) for the overall financial control of the revenue budget and capital programme.
- (ii) for providing financial information for corporate performance reports.
- (iii) for subdividing and allocating service revenue budgets and the capital programme within the overall budget framework according to the Council structure and services, having regard to relevant Codes of Practice.
- (iv) for supplying timely information on receipts and payments on each budget and capital scheme, sufficiently detailed to enable managers to fulfil their budgetary control responsibilities.

(2) Responsibility for Control of Individual Budgets

Members of SLT and the Council's Committees are responsible:

- (i) for the budgets and programmes allocated to them, for delivering the levels of service on which they were based, and for compliance with their financial obligations.

- (ii) for monitoring levels of service and performance within services, including the levels of expenditure and income incurred against relevant budgets and capital programme provision.
- (iii) for seeking virements in accordance with (4) below, either to increase or to reduce the provision allocated to particular budgets or capital schemes, including income budgets, in order to maintain budget provisions in line with the service levels required.
- (iv) For exercising powers delegated to them to enter into new financial commitments, including commitments relating to recruitment and remuneration of staff, only where adequate provision has been made in the revenue budget or capital programme and where the revenue consequences for future financial years comply with (6) below.
- (v) for providing any additional information the Chief Financial Officer may require.

(3) Variances from Budget

The Chief Financial Officer is responsible for

- (i) reporting significant variances, and the agreed action plan for addressing such variances, to the Resources and Commercial Committee, or relevant Service Committee where a member of SLT fails to take action under (4) to (6) below.
- (ii) Approving, in consultation with the Chairman of the Resources and Commercial Committee:
 - (a) a list of expenditure proposals for which revenue budget provision had been made in the previous year and for which the particular goods or services had not been supplied before the financial year end (carry forwards).
 - (b) a list of expenditure proposals on capital schemes for which provision had been made in the total capital programme for the previous year but the programme had slipped/ or been accelerated.

so that supplementary estimates may be executed for the ensuing financial year.

(4) Virements between Budgets

The overall budget is approved for each year by Council following recommendations from the Resources and Commercial Committee. Officers are thereby authorised to incur net expenditure in accordance with the estimates that made up the budget for the current financial year. The rule below covers virements; that is switching resources between approved estimates or heads of expenditure and income.

A virement is:

‘planned transfer of a budget for use in a different purpose to that originally intended’.

Subject to appropriate consultation, budget allocations may be moved (vired) between approved revenue budgets (including contingency provisions) or between schemes within the approved capital programme for the purpose of appropriate budgetary control and/or of maintaining approved service levels and/or responding

to unforeseen budget pressures and/or meeting the efficiencies' target, by each member of SLT in consultation with the Chief Financial Officer or Deputy.

This authority also includes budget adjustments (technical virements). A budget adjustment is one that is usually (but not exclusively) initiated by Corporate Finance. They will, in general, involve centrally-controlled budgets, central provisions (such as salaries inflation), or recharges to services. Additionally they may be initiated in response to organisational changes and statutory requirements.

Virements to fund activities not included in the current approved budget or policy of the Council must be approved by Members in accordance with the following scheme

Up to £250,000

By the relevant service committee (from within the budget in their remit)

Over £250,001

By the Resources and Commercial Committee (including amounts under £250,000 where the virement crosses service committee remits)

(5) Supplementary estimates

(i) Revenue expenditure

Where no provision currently exists in the revenue budget, or where the provision made for an existing budget is insufficient and a virement is not available under (4) above, then new or additional budget provision may be established using reserves (general or earmarked) as outlined in the Reserves Policy section (Section 5). In making any such decision, due regard shall be had to any budget implications for future financial years.

(ii) Capital expenditure

Where no provision currently exists in the capital programme, or where an existing provision is insufficient and a virement is not available under (4) above, then new or additional provision may be established in accordance with the following scheme of supplementary estimates:

up to £400,000

By the Resources and Commercial Committee

Over £400,000

By Council

In making any such decision, due regard shall be had to any implications for the capital programme and revenue budget in future financial years.

Any expenditure that cannot be offset as outlined in (5) (i) or (ii) above cannot be incurred without the approval of Council.

(iii) Partnership Expenditure and External Funding

Where no provision currently exists in the revenue budget or capital programme for specific projects or activities which are to be wholly or partly funded by external agencies or partners, then the above criteria for supplementary estimates will apply to the value of the Council's net financial contribution to the revenue or capital cost of the project.

The Chief Financial Officer is empowered to agree a supplementary estimate where the net cost to the Council is nil (for example, a grant has been authorised by the government) and to adjust the revenue budgets and capital programmes to reflect the gross value of all such arrangements and transactions. However, all such adjustments should reflect current council aims, objectives and policy. Should there be any doubt over this the provisions in (i) and (ii) apply.

Members of SLT and Committees must liaise with the Chief Financial Officer, and refer to Section 22 of these Regulations, prior to undertaking any bidding for external funding or setting up any partnerships.

(6) Commitments of Revenue Expenditure affecting future financial years

The following arrangements shall apply in relation to the commitment of expenditure prior to the approval of the revenue budget for the financial year concerned:

- (i) Members of SLT may commit expenditure for the following financial year provided the estimated cost in real terms does not exceed the current year's budget provision. The approval process for such expenditure is as set out in the relevant sections of these regulations. It is not guaranteed that such expenditure will be funded in full once the budget for the relevant year is approved. It is for the Member of SLT to manage any shortfall that may arise as a consequence in the manner prescribed elsewhere in these regulations.
- (ii) Members of SLT should ensure that in letting contracts that commit the council to future expenditure such contracts contain sufficient flexibility to permit reductions in service (or cost) should the council's financial position require such action to be taken.
- (iii) Member of SLTs may only commit expenditure on new or extended services when such new or extended services are approved by the relevant Committee, by Council or by virtue of any provision in these regulations or the Council's constitution.
- (iv) The Chief Financial Officer, in consultation with the Chairman of the Resources and Commercial Committee is authorised to agree the placing of orders for vehicles, plant and equipment before Council approves the budget where this is necessary in order to either secure delivery in the required time scale or to secure value for money.

(7) Delegation

Member of SLTs shall notify the Chief Financial Officer in writing of the names of any Officers in their department authorised to act on their behalf in relation to the specific responsibilities set out in this Section together with specimen signatures. The limits applicable to such delegation are those set out in Section 9 (5).

Section 8: Accounting Records

WHY ARE THESE REGULATIONS IMPORTANT?

Maintaining proper accounting records is one of the ways in which the Council discharges its responsibility for stewardship of public resources. The Council has a statutory duty to prepare its Annual Statement of Accounts on the basis that they give a true and fair view of the financial position of the Council on the reporting date. The accounts are subject to external audit, which provides assurance that they have been prepared properly, that proper accounting practices and statutory requirements have been followed and that proper arrangements have been made for securing economy, efficiency and effectiveness in the use of the Council's resources. There is also a statutory right for members of the public to inspect the accounts and relevant supporting documentation.

- (1) The Chief Financial Officer is responsible for:
 - (i) making arrangements for the proper administration of the Council's financial affairs.
 - (ii) selecting and applying appropriate accounting policies consistently.
 - (iii) determining accounting procedures and maintaining proper accounting records.
 - (iv) making an annual report to the Resources and Commercial Committee on the financial outturn for the previous financial year.
 - (v) ensuring that the Statement of Accounts for that year is completed, approved by the Audit and Risk Committee and published within the corporate and statutory timetable and in accordance with relevant Codes of Practice.
- (2) Members of SLT shall ensure that:
 - (i) all the Council's transactions, commitments, contracts and other essential accounting information are recorded completely, accurately and promptly.
 - (ii) in the allocation of accounting duties of any kind:
 - (a) the duty of providing information, calculating, checking and recording sums due to or from the Council shall be separated as completely as possible from the duty of collecting or disbursing such sums.
 - (b) Officers charged with the duty of examining and checking the accounts of cash or stores transactions shall not themselves be engaged in any of those transactions.
 - (iii) any Financial Procedure Notes prescribed by the Chief Financial Officer are fully complied with.
 - (iv) the Chief Financial Officer is supplied with such information as may be requested by him from time to time for the purpose of the proper administration of the Council's affairs.
 - (v) their staff comply fully with the guidance and timetables issued to ensure that the Council's Statement of Accounts are prepared on an appropriate basis and in a timely manner

Section 9: Procuring and Paying for Works, Supplies and Services

WHY ARE THESE REGULATIONS IMPORTANT?

The letting of council contracts should be done with demonstrable transparency and in accordance with Council policies, including the policy on counter fraud and corruption. It is essential for maintaining public confidence that the Council and its Officers are seen to act with complete fairness and impartiality in the letting of contracts.

The Council has a statutory duty to achieve value for money through economy, efficiency and effective use of resources. The Council's procedures should help to ensure that services obtain value for money from their purchasing arrangements.

These Regulations should be read in conjunction with the Council's Contract Procedure Rules, its Corporate Procurement Strategy, and the Council's Employee Code of Conduct.

(1) Placing Orders for Works, Supplies and Services

All orders for works, goods and services shall be placed in accordance with the Council's Contract Procedure Rules and Purchase Ordering Processes. The Contract Procedure Rules forms part of the Council's Constitution and are available on the Council's intranet.

(2) Other contract terms

Members of SLT shall:

- (i) in consultation with the Chief Financial Officer include in every contract appropriate clauses to cover financial and insurance requirements, and to provide sufficient security for due performance.
- (ii) put in place adequate procedures for the effective cost control of all contracts.
- (iii) enter all contracts onto the Council's Contract Register.

(3) Receipt of Works, Supplies and Services

Members of SLT shall put in place adequate systems for verifying the performance of work or the receipt of supplies and services. In particular controls shall be established to ensure that:

- (i) work done or supplies and services received are as specified.
- (ii) quality or workmanship is of the required standard.
- (iii) appropriate entries are made in inventory, stock or other records.

(4) Payment for Works, Supplies and Services

- (i) Members of SLT shall make adequate and effective arrangements approved by the Chief Financial Officer for the ordering of goods and services and the recording of their receipt on the purchase ordering system. Appropriate arrangements should be in place, where necessary, for certifying invoices and other requests for payment without undue delay.

- (ii) Unless otherwise approved by the Chief Financial Officer, all payments shall be made by automated bank transfer from a bank account of the Council. Payments may only be made by direct debit with the prior approval of the Chief Financial Officer or their delegate.

(5) Delegation – Purchase orders that create a commitment

All goods and services must be procured in accordance with the Contract Procedure Rules and Purchase Ordering Processes. The Contract Procedure Rules provide for all contracts (including those made by purchase order) in excess of £399,999 to be approved by Members at the relevant Committee

Members of SLT may, therefore, commit expenditure in respect of goods and services up to a value of £399,999 provided that they do so in accordance with the requirements of these Regulations. They must establish that there is sufficient budget provision to cover the costs before the goods or services are procured. The Council operates the following scheme of delegation in this respect:

Members of the Senior Leadership Team – up to £399,999

Members of the Senior Leadership Team may further delegate as below (to be communicated to the Chief Financial Officer in writing)

Third Tier Managers – a standard value of £100,000

Further delegation by Third Tier Managers, to be communicated to the Chief Financial Officer in writing, will be of a standard value of £25,000.

Temporary arrangements to cover the absence of any individual should be communicated in writing to the Chief Financial Officer with defined start and finish dates. Such arrangements should be authorised by the relevant Senior Leadership Team member or third tier manager.

Expense payments, overtime and other variable payments processed via the payroll system are to be authorised by the relevant Reporting Manager as identified on that system.

(6) Purchase orders that do not create a commitment

The purchase ordering system is used to record the receipt of goods and services (and, therefore, authorise the payment of relevant invoices) that are provided under contracts valued over £399,999 which have, therefore, been approved by Members.

Such purchase orders should be raised in the usual manner ensuring that the relevant contract register identification number is quoted in the narrative but will be authorised in Corporate Finance following confirmation that the underlying contract was appropriately approved. This confirmation will be obtained by referring to the Council's Contract Register.

(7) Other Expenditure

The Council makes payments to other bodies and individuals that are not in respect of the receipt of goods or services. Where these payments are not in excess of £399,999 the scheme of delegation for goods and services set out above applies. Where they do exceed £399,999 authority to approve these payments is set out below. The authority is unlimited except where stated otherwise. Such authority can only be exercised where all relevant requirements of these Regulations and of the Council's constitution as a whole have been met.

Deputy Section 151 Officer

- (i) Precept payments to major and local precepting bodies including such additions and deductions as required by agreements between the bodies e.g. council tax sharing agreement
- (ii) Payments to the Government in respect of statutory schemes e.g. pooling of housing capital receipts
- (iii) Payments made to any other Authority under the provisions of an approved business rates pooling scheme
- (iv) Payments made to Essex County Council in respect of the pension deficit

Director of People and Change

- (i) All salary and allowances
- (ii) All payments to third parties in respect of statutory and other deductions from pay
- (iii) All other payments related to employment or post-employment

Director of Strategy and Governance

- (i) All payments relating to matters settled as the result of legal activity

Chief Financial Officer and Deputy Section 151 Officer

- (i) All other payments of this nature (and those allocated to other officers above)

The nominated officer may delegate the authority provided above to any other officer. Such delegation should be communicated in writing to the Chief Financial Officer and such delegation shall cover all such payments irrespective of value.

(8) General

- (i) Every Member and Officer engaged in contractual or purchasing decisions on behalf of the Council shall declare any links or personal interests they may have with purchasers, suppliers and contractors and shall comply with the provisions of the appropriate codes of conduct.
- (ii) Members of SLT shall ensure that as far as is possible the duties of ordering works, supplies or services, and receiving them and recording such receipt are not performed by the same Officer.

Section 10: Income

WHY ARE THESE REGULATIONS IMPORTANT?

It is essential that all income due to the Council is identified, collected, receipted and banked promptly. To achieve this it is necessary to put effective systems in place. Whenever possible income must be received in advance or at point of delivery as this improves the Council's cash flow and also avoids the time and cost involved in administering debts.

(1) General

Members of SLT shall implement arrangements made by them under this Section only with the approval of the Chief Financial Officer.

Members of SLT are responsible for ensuring that debts relating to their service are collected.

(2) Prompt identification of sums due to the Council

Members of SLT shall make adequate and effective arrangements for the prompt identification of all sums due to the Council.

(3) Prompt recording in the Council's accounts of all sums due

(i) Members of SLT shall make adequate and effective arrangements for recording all sums due in the Council's accounts.

(ii) Accounts for sums due may only be raised on the Council's corporate Sundry Debtors system unless alternative arrangements have been approved by the Chief Financial Officer.

(iii) All methods of payment made available to the Council's customers and clients must be approved by the Chief Financial Officer before implementation. This includes but is not limited to the use of third party platforms and other arrangements that include the use of intermediaries (e.g. Allpay).

(4) Authorisation

The Director with responsibility for Revenues and Benefits shall put in place arrangements to ensure the accuracy and correct operation of billing procedures for sundry debts. Such arrangements shall include, but are not limited to:

(i) Maintaining a list of all officers authorised to raise invoices. Third tier managers have authority to raise invoices for unlimited sums and can delegate this authority in accordance with arrangements put in place by the Director.

(ii) Maintaining a list of all officers authorised to raise credit notes against invoices. Third tier managers have authority to raise credit notes for unlimited sums and can delegate this authority in accordance with arrangements put in place by the Director except credit notes should not be authorised by the same

officer that authorised the raising of the invoice against which the credit is being raised.

(5) Collection and receipting of all income

Members of SLT shall make adequate and effective arrangements for the collection and receipting of all income and for the security of all cash and other valuables.

(6) Control of Tickets and Receipts

Official receipts, tickets, tokens, and similar documents shall be ordered, controlled and issued only under arrangements approved by the Chief Financial Officer.

(7) Banking of income

Members of SLT shall make arrangements, approved by the Chief Financial Officer, for the secure transfer of cash from the Council's offices and facilities to the Council's bankers.

The Council's preference is not to receive payment in the form of cash. Members of SLT should ensure that alternative methods of payment (that conform with the requirements of these Financial Regulations) are made available wherever possible.

(8) Reconciliation of income

Members of SLT shall make adequate and effective arrangements for the sums collected and banked to be reconciled with the records of sums due.

(9) Debt recovery

In all cases Members of SLT shall co-operate with the relevant Debtors' Team plans to take prompt and appropriate action to recover all sums overdue to the Council.

(10) Writing off sums due

(i) Members of SLT are responsible for recommending the write off of debt deemed to be irrecoverable to the Chief Financial Officer.

(ii) Where an individual debtor owes the Council no more than £10,000, the Chief Financial Officer may approve the write off of that debt where there is satisfactory evidence that it is irrecoverable. Where the aggregate debt is greater than £10,000 the Chief Financial Officer shall consult the Chairman of the Resources and Commercial Committee prior to approval of the write off.

(iii) All debt recovery action will take account of the requirements of the Corporate Debt Policy.

(11) Reviews of fees and charges

Members of SLT shall, in consultation with the Chief Financial Officer, review all fees and charges at least annually in accordance with the approved Fees and Charges Strategy and additional guidance issued by the Chief Financial Officer. On completion of each review, the relevant schedule of proposed fees and charges shall be presented to the relevant Committee for approval.

(12) Segregation of duties

The duty of providing information, calculating, checking and recording sums due to or from the Council shall be separated as far as is possible from the duty of collecting such sums.

Section 11: Banking, Cheques and Money Laundering

WHY ARE THESE REGULATIONS IMPORTANT?

The Council has a duty to ensure that all moneys are properly safeguarded and only utilised for authorised purposes. The Council must also comply with the statutory money laundering regulations. It is therefore necessary to have controls to ensure the proper authorisation and control of all bank accounts, all payments made from them and all income deposited.

(1) Operation of bank accounts

- (i) The Chief Financial Officer is responsible for opening, closing and operating all bank accounts and related facilities in the Council's name.
- (ii) All communications with the Council's bankers concerning its bank accounts and any changes in banking arrangements shall be made under arrangements approved by the Chief Financial Officer.

(2) Authorisation of signatories

Only Officers personally mandated by the Chief Financial Officer may sign documents transferring funds out of the Council's bank accounts.

(3) Payments from Council bank accounts

- (i) All payments from the Council's bank accounts shall be made by automated bank transfer but the Chief Financial Officer may exclude from this regulation such payments as he may consider appropriate.
- (ii) No payments shall be made from the Council's bank accounts unless approved personally by a signatory authorised in accordance with (2) above.
- (iii) Payment by Direct Debit must be authorised by the Chief Financial Officer or their delegate.

(4) Custody of cheques

- (i) All cheques and related stationery shall be ordered and controlled by the Chief Financial Officer or their delegate.
- (ii) The safe custody and issue of cheques and related stationery shall be carried out under arrangements made by the Chief Financial Officer.

(5) Banking of income

Members of SLT shall make arrangements, approved by the Chief Financial Officer, for the secure transfer of cash from the Council's offices and facilities to the Council's bankers (see Section 10.6).

(6) Reconciliation

The Chief Financial Officer shall regularly reconcile the Council's bank accounts with the accounting records and investigate any discrepancies.

(7) Money Laundering

Any Service within the Council that receives cash from an external person or body is potentially vulnerable to a money laundering operation. The need for vigilance is vital and if there is any suspicion concerning the appropriateness of a cash transaction this must be reported to the Council's nominated Money Laundering Reporting Officer (the Chief Financial Officer), without alerting the payer.

- (i) Cash sums above £12,000 must not be accepted by any Council Officer.
- (ii) Refer to the Council's Counter Fraud Policy and associated Guidance notes, for more information.

Section 12: Security and Inventories

WHY ARE THESE REGULATIONS IMPORTANT?

The Council holds assets in the form of land and buildings, fixed plant, vehicles and machinery, furniture and equipment, software and data, cash and other items of value (e.g. stocks and stores, tickets and vouchers). It is important that assets are used efficiently in service delivery, that they are adequately insured and that there are arrangements for the security of both assets and information required for service operations. Up to date records are a prerequisite for sound asset management. See also Sections 13 (Stocks and Stores), 15 (IT Systems) and 17 (Insurances).

- (1) Proper use of the Council's resources
Resources are to be used solely for the purposes of the Council unless authorised otherwise by the Council, and are to be properly accounted for.
- (2) Asset register
The Chief Financial Officer is responsible, in consultation with other Members of SLT, for the compilation and maintenance of an asset register (in appropriate format for accounting purposes) covering land and property and other fixed assets. The function of the asset register is to provide the Council with information about fixed assets so that they are safeguarded, used efficiently and effectively, are adequately maintained and are accounted for appropriately.
- (3) The Member of SLT with functional responsibility for corporate property will ensure that an asset management plan is prepared and reviewed at least annually for all corporate property (HRA and General Fund).
- (4) Inventories
 - (i) Each Member of SLT is responsible for maintaining an inventory of moveable assets above £2,000 in value.
 - (ii) A list of inventories can also be maintained for assets which, although below the de-minimis level, are attractive and desirable and therefore more prone to theft. An example of such an asset is a mobile phone. It is for the Director of the controlling service to determine if such an inventory is required.
 - (iii) Inventories are to be reviewed at least once each year and copies made available to the Chief Financial Officer on request.
- (5) Security
Members of SLT shall make proper arrangements for:
 - (i) The security of all buildings and other assets under their control.
 - (ii) The safe custody of all documents held as security.

Section 13: Stocks and Stores

WHY ARE THESE REGULATIONS IMPORTANT?

The Council holds different types of stocks and stores. It is important that these assets are safeguarded and used efficiently in service delivery. Adequate arrangements for the receipt, security and issue of stocks and stores and for the disposal of surplus or redundant items need to be put in place.

(1) Receipt, Control and Custody

Members of SLT shall make adequate and effective arrangements for the custody, care and physical control of all stocks and stores in their departments.

(2) Stocks and Stores Records

(i) In consultation with the Chief Financial Officer, Members of SLT shall maintain adequate records of all issues and other movements of stocks and stores.

(ii) Members of SLT shall provide to the Chief Financial Officer each year a stock certificate detailing stocks and stores in hand at 31 March each year.

(iii) Members of SLT should make provision for regular stock takes and reconciliations to take place during the year.

(3) Maintenance of stocks

(i) Members of SLT shall maintain stocks at reasonable levels and subject them to a regular independent physical check.

(ii) Discrepancies shall be appropriately investigated, pursued to a satisfactory conclusion and removed from the Council's records by making stock adjustments as necessary. Gains and losses resulting from stock adjustments shall only be written off or adjusted in the records under arrangements approved by the Chief Financial Officer.

(4) Disposal of surplus, obsolete or redundant stocks or equipment

Members of SLT shall ensure that all stocks and equipment no longer required are disposed of economically under arrangements approved by the Chief Financial Officer.

(5) Delegation

Members of SLT shall notify the Chief Financial Officer in writing of the names of any Officers in their department authorised to sign stock certificates and other related matters on their behalf, together with specimen signatures and details of any limitation on the authority delegated to them (the Authorised Signatories List).

Section 14: Treasury Management and Leasing

WHY ARE THESE REGULATIONS IMPORTANT?

Treasury Management is in place to provide assurance that the Council's money and overall cash flow are properly managed, in a way that balances risk with return but with overriding consideration being given to the security of investments.

The signing of leases and other forms of credit can have a wider financial impact than just the rental payments. It is therefore necessary that the Chief Financial Officer be given the opportunity to evaluate the costs of any potential agreement before it is legally binding.

(1) General

The Chief Financial Officer is responsible for all investment, borrowing and leasing undertaken in the name of this Council.

(2) Treasury Management

The Chief Financial Officer shall:

- (i) keep under review the Council's Treasury Management Policy Statement and submit any amendments for scrutiny by the Audit and Risk Committee prior to consideration by the Resources and Commercial Committee and adoption by Council.
- (ii) maintain, having regard to the recommendations of the CIPFA Code of Practice and Guidance Notes, a Treasury Manual consisting of Treasury Management Practices (TMP's) setting out the duties of Members and Officers covering all aspects of Treasury Management. The Manual shall be comprehensively reviewed at least once every three years.
- (iii) prepare, for adoption before the commencement of each financial year, a capital and investment strategy incorporating a Treasury Management Strategy, an Investment Strategy and a Debt Repayment Policy, having regard to any statutory guidance and to the provisions of the CIPFA Code of Practice and Guidance Notes, in respect of the Council's strategy and policies to be set for that financial year. The proposals will be submitted for scrutiny by the Audit and Risk Committee prior to consideration by the Resources and Commercial Committee and adoption by Council.
- (iv) present to the Council for approval before the commencement of each financial year a range of Prudential Indicators, including borrowing limits, to be set for that financial year in accordance with statute and the CIPFA Prudential Code.
- (v) keep the strategies, policies and Prudential Indicators for the current financial year under constant review and submit revised proposals for adoption from time to time as necessary. In any event, present a mid-year review for scrutiny by the Audit and Risk Committee, consideration by the Resources and Commercial Committee and recommendation to Council.
- (vi) arrange all borrowing and investments of the Council in accordance with the Treasury Management Policy Statement, the approved Treasury

Management and Investment strategies for the year the approved Debt Repayment Policy for the year and the current Treasury Manual.

- (vii) make all investments, borrowings and other financing transactions only in the name of the Council or in the name of nominees approved by Council.
- (viii) ensure that Council Members tasked with Treasury Management responsibilities, including those responsible for scrutiny, have access to training relevant to their needs and those responsibilities.

(3) Leasing and Similar Arrangements

The taking of a lease or other similar arrangements, including new or extended leases of land and property, may only be entered into with the consent of the Chief Financial Officer (and be in accordance with all other requirements of the Constitution and these regulations). Such arrangements may be defined for this purpose as any lease, contract hire or other contract or series of contracts under which the use of an asset is obtained in exchange for a series of payments which extend beyond the end of the following financial year.

If the taking of the lease (or other similar arrangement) is in relation to real estate/property (i.e. land or buildings or rights associated) then the method of treatment of the costs may vary depending on the length of the agreement and whether a premium (lump sum) is paid and/or an annual rental/fee. No agreement relating to property or rights over property may be entered into (either taking or granting) without the written advice of the Director with functional responsibility for Corporate Property being taken into consideration.

(4) Delegation

The Chief Financial Officer shall maintain in writing a list of the names of any Officers in his department authorised to act on his behalf in relation to the specific responsibilities set out in this Section, together with specimen signatures and details of any limitation on the authority delegated to them (the Authorised Signatories List).

Section 15: Information Technology (IT)

WHY ARE THESE REGULATIONS IMPORTANT?

A very high reliance is placed on Information Technology for all aspects of the Council's business, including financial and management information. Systems therefore need to be fit for purpose, well managed and secure. The information stored must be accurate, the systems and the supporting infrastructures secure, and procedures sound and well administered.

- (1) New IT systems and changes to existing systems shall only be introduced with the approval of the Member of SLT with functional responsibility for and, for financial systems or those that interact with such systems, with the additional approval of the Chief Financial Officer.
- (2) The appropriate Member of SLT shall:
 - (i) ensure that any new or significantly changed system is in accordance with the Council's IT Strategy.
 - (ii) ensure that any new or significantly changed system is in accordance with the Council's Information Management Strategy
 - (iii) ensure that any new or significantly changed system is in accordance with the Council's GDPR requirements.
 - (iv) manage effectively the process of selection and implementation of all new IT systems, ensure that affected staff are provided with appropriate training in their use and that systems administrators are appointed, trained and managed.
 - (v) seek the involvement of the Council's Internal Audit and Risk Management Services.
 - (vi) ensure that the Council's infrastructure, systems and data are secure and have in place appropriate governance arrangements.
 - (vii) make proper arrangements to protect central IT equipment against loss or damage through theft or misuse.
 - (viii) put in place a documented and tested disaster recovery and business continuity system and review it regularly.
 - (ix) issue mandatory standards and guidelines governing the use of all IT systems and monitor their use to ensure that they are adhered to.
- (3) Members of SLT shall:
 - (i) ensure that IT systems are fit for the purpose of their business function.
 - (ii) make staff aware of and ensure that they comply with the Council's ICT standards.
 - (iii) ensure that appropriate training is provided for all staff in the proper and effective operation of any IT systems they are required to use.

- (iv) restrict user access to systems and data held on IT systems as appropriate.
- (v) ensure that processing is genuine, complete, accurate and timely and that an audit trail exists to original documentation.
- (vi) ensure that information generated by IT systems is accurate and complete and that it is communicated to appropriate managers on a timely basis.
- (vii) put in place appropriate and effective contingency arrangements to maintain services in the event of any potential hardware or software failure.
- (viii) register any personal information in accordance with data protection legislation and make staff aware of their responsibilities under the relevant law.
- (ix) make proper arrangements to protect departmental computer equipment against loss or damage through theft or misuse.
- (x) comply with data protection, computer misuse, software licensing, copyright, design and patent legislation and any other relevant legislation, and in particular ensure that only software that is properly acquired is installed and used on computers.
- (xi) ensure that when implementing new systems that they will interface with the Council's financial systems.

Section 16: Value Added Tax

WHY ARE THESE REGULATIONS IMPORTANT?

Value Added Tax (VAT) is a tax applied to many of the goods and services the Council either buys in or supplies to others. VAT therefore impacts on many of the Council's financial transactions. It is imperative that VAT is correctly charged on the supply of goods and services by the council. Whilst generally speaking the Council is able to reclaim the VAT it pays on buying in goods and services, this ability is limited in relation to certain types of services made by the Council. VAT is a very complex tax, particularly where it relates to land and property transactions and partnership arrangements. It is essential that the VAT implications of all major projects, partnership arrangements and land and property transactions be evaluated well in advance of commitments being made. If this is not done the Council could be faced with a substantial irrecoverable VAT bill that is both unplanned and unbudgeted. HM Revenues and Customs also have the power to impose penalties (fines) for late or non-compliance with VAT rules.

- (1) The Chief Financial Officer is responsible for the determination of all arrangements for the collection, recording, payment and recovery of VAT.
- (2) The Chief Financial Officer shall:
 - (i) maintain complete and accurate accounting records of all the Council's VAT transactions.
 - (ii) submit the Council's VAT return to HM Revenues and Customs monthly in accordance with statutory deadlines.
 - (iii) prepare the Council's partial exemption calculation as at the end of each financial year and monitor the Council's partial exemption position quarterly.
 - (iv) submit the Construction Industry Scheme returns monthly in accordance with statutory deadlines.
 - (v) prepare and submit Voluntary Disclosure Notices as necessary to HM Revenues and Customs and recover any revenues due.
 - (vi) conduct all negotiations with HM Revenues and Customs in respect of VAT matters affecting the Council and make appropriate decisions as a result of these negotiations.
 - (vii) exercise as appropriate the Council's option to tax in respect of land and buildings.
 - (viii) provide guidance, advice and training to Council staff on all aspects of VAT as they affect the Council.
 - (ix) publish and regularly update appropriate VAT guidance notes on the Council's intranet.

- (3) Members of SLT shall:
- (i) properly account for VAT on all transactions under arrangements determined by the Chief Financial Officer.
 - (ii) consult the Chief Financial Officer in all cases where the VAT treatment of any transaction is unclear so that the matter can be reviewed and appropriate treatment determined.
 - (iii) consult the Chief Financial Officer in all cases where new projects, schemes or services are proposed, well in advance of commitments being made, so that any impact on the Council's VAT position can be assessed, any necessary action taken to protect the Council's VAT recovery position and the financial implications of the proposal can be properly considered.
 - (iv) comply with any request from the Chief Financial Officer to cooperate with a VAT inspector and give access at all reasonable times to premises, personnel, documents and assets which they consider necessary for the purposes of their work.

Section 17: Insurances

WHY ARE THESE REGULATIONS IMPORTANT?

The provision of insurance cover is one of the major methods of responding to corporate and service risks identified under the Council's Risk Management arrangements (see Section 21). Cover can be arranged either externally (with major insurance companies) or through an internal insurance pool. Accurate record keeping and timely provision of information are essential if the Council's insurance cover is to be effective. This Section should be read in conjunction with that relating to Risk Management (Section 21).

- (1) The Member of SLT with functional responsibility for insurance is responsible for:
 - (i) effecting all insurance cover on a corporate basis, through external insurance or through internal self-insurance arrangements as they consider appropriate and maintaining proper records of these arrangements.
 - (ii) handling, negotiating, processing and settlement of all claims, in consultation with any external insurers where necessary.
- (2) Members of SLT shall notify the Member of SLT with functional responsibility for insurance immediately:
 - (i) of all new risks, properties, vehicles or other assets that require insurance
 - (ii) of any alterations to such risks or assets affecting existing insurances
 - (iii) should any of the Council's assets be damaged, lost or stolen
 - (iv) of any loss, liability, damage or personal injury that may lead to a claim against the Council. Failure of the Council to appropriately notify the insurer may invalidate cover under the policiesand shall provide any related information or explanation required within time scales determined by the Chief Financial Officer and/or relevant legislation.
- (3) Members of SLT and Members shall ensure that no employee or other person covered by the Council's insurances admits liability (orally or in writing) or makes any offer to pay compensation, because this may prejudice a proper assessment of the Council's liability.
- (4) Members of SLT shall maintain proper records relating to assets which require insurances effected by the Council, under arrangements approved by the Chief Financial Officer.
- (5) Members of SLT shall consult the Chief Financial Officer and also seek advice from Legal and Insurance teams on the terms of any indemnity that the Council is requested to give.

- (6) Members of SLT shall consult the Chief Financial Officer to determine the minimum level of insurance cover required of any person or body (including all Council contractors and those bodies using Council land or facilities) to indemnify the Council or to effect insurance cover in accordance with the Council's requirements and shall check that appropriate insurance cover is in place.

Section 18: Pay and Conditions of Employment

WHY ARE THESE REGULATIONS IMPORTANT?

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

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

(1) General

The Member of SLT with functional responsibility for Human Resources is responsible for the administration of all arrangements for the payment of salaries, wages, pensions and other emoluments to existing and former employees, for the administration of expense, travel and subsistence claims, and for all other related matters. The Chief Financial Officer is responsible for the administration of car loans to eligible employees.

(2) Deductions from Pay

The Member of SLT with functional responsibility for Human Resources shall make proper arrangements for all statutory and other deductions from pay, including tax, national insurance and pension contributions, and payment of such sums to the bodies concerned.

(3) Terms of employment

Members of SLT shall promptly notify the Member of SLT with functional responsibility for Human Resources of:

- (i) the terms and conditions applying to new contracts of employment.
- (ii) any changes or events affecting the salaries, wages or emoluments of the Council's employees.
- (iii) all resignations, retirements and terminations of employment.

(4) The Member of SLT with functional responsibility for Human Resources is responsible for ensuring that the Council is compliant at all times with the requirements of Intermediaries Legislation (IR 35).

(5) Provision of Information

Members of SLT shall provide to the Member of SLT with functional responsibility for Human Resources:

- (i) all relevant information, including notifications of sickness absence, in an agreed format and within agreed time scales to enable the prompt and accurate payment of all elements of pay.

(ii) notification of the impending departure of any employee involved with the custody of cash or stores.

(6) Members' Allowances

Payments to elected Members of the Council shall be made in accordance with the Council's approved scheme.

(7) Delegation

Members of SLT shall notify the Chief Financial Officer in writing of the names of any Officers in their department authorised to act on their behalf in relation to the specific responsibilities set out in this Section, together with specimen signatures and details of any limitation on the authority delegated to them (the Authorised Signatories List).

Section 19: Internal Audit

WHY ARE THESE REGULATIONS IMPORTANT?

The requirement for an internal audit function for local authorities is implied by section 151 of the Local Government Act 1972, which requires that authorities “make arrangements for the proper administration of their financial affairs”. The Accounts and Audit Regulations 2015 more specifically require that a “relevant body shall maintain an adequate and effective system of internal audit”.

Accordingly, internal audit provides one aspect of an independent and objective assurance in the review of the system of governance, risk management and internal control as a contribution to the proper, economic, efficient and effective use of resources. In fulfilling this responsibility the internal audit service must comply with the mandatory Public Sector Internal Audit Standards and Code of Ethics and CIPFA’s Statement on the role of the Head of Internal Audit.

- (1) The Chief Financial Officer shall ensure that the internal audit service is adequately resourced and independent in its planning and operation.
- (2) The Chief Financial Officer or his authorised representative shall have authority to enter at all reasonable times any offices, premises or land under the control of the Council and shall have unrestricted access to all records, documents and correspondence relating to any matter under consideration, without limitation.
- (3) All staff shall provide such information and explanations as the Chief Financial Officer or his authorised representative considers necessary and shall produce upon demand cash, stores, documents or other property of the Council under their control.
- (4) Members of SLT and the Chief Financial Officer shall give appropriate consideration of Internal Audit reports and identified control and governance concerns.
- (5) Members of SLT and other staff shall immediately notify the internal audit service on behalf of the Chief Financial Officer upon discovery or suspicion of any financial irregularity, whether affecting cash, stores, property, financial records or otherwise. Internal Audit have delegated authority to investigate allegations of fraud, theft, corruption, bribery, money laundering and any other financial irregularity on behalf of the Chief Financial Officer. The Chief Financial Officer shall notify the Chief Executive and the Chairman of the Resources and Commercial Committee in all significant cases.
- (6) The Council shall set out in policy documents its approach to countering fraud, theft, bribery, money laundering and corruption and to whistle blowing.
- (7) The internal audit service has direct access to the Chief Executive, Chief Financial Officer, Monitoring Officer, all levels of management and to Members of the Council.
- (8) As part of the adequate system of internal audit, the Council will maintain a committee responsible for audit and risk related matters in line with Codes of Practice.

- (9) The Internal Audit Service will report its findings, assurances and performance to the Audit and Risk Committee in line with the Internal Audit Charter.
- (10) The Chief Audit Executive will provide an annual opinion on the adequacy and effectiveness of the internal control, governance and risk management arrangements. This opinion will form part of the Council's Annual Governance Statement.

Section 20: External Audit and Inspection

WHY ARE THESE REGULATIONS IMPORTANT?

The basic duties of the external auditor are governed by statute.

In fulfilling their responsibilities the external auditor works to a code of audit practice issued by the National Audit Office.

The Council may from time to time also be subject to audit, inspection or investigation by various other external bodies. Government department inspectorates and bodies such as HM Revenues and Customs have statutory rights of access. Rights of access are also sometimes granted under contractual arrangements, including partnerships where the Council is not the lead body. It is important that all Officers of the Council respond to external scrutiny in a timely, professional and helpful manner.

- (1) The Chief Financial Officer shall facilitate the co-ordination of the work of internal and external audit together and ensure the appropriate consideration of External Audit reports by management and/or Members.
- (2) The External Auditor will place reliance wherever possible on the work of the Internal Audit Service where ever possible to reduce duplication.
- (3) The Chief Financial Officer shall ensure that the Council's accounts are scrutinised by the External Auditor, who must be satisfied that the statement of accounts 'gives a true and fair view of' the financial position of the Council and its expenditure and income for the year in question and complies with the legal requirements.
- (4) Co-ordination of all other inspection and independent review work shall be the responsibility of the relevant Member of SLT.
- (5) Members of SLT shall give external auditors and inspectors access at all reasonable times to premises, personnel, documents and assets which they consider necessary for the purposes of their work.
- (6) The External Auditor will report their findings, assurances and recommendations to those charged with the governance (the Audit and Risk Committee).

Section 21: Risk Management

WHY ARE THESE REGULATIONS IMPORTANT?

The Council faces numerous risks: to people (including its employees), to property, to its reputation and to continuity of service delivery. Risk management is the planned and systematic process by which risks and opportunities are identified, evaluated and controlled. Risk management seeks to protect the Council and enable it to achieve its stated aims and objectives. It is the responsibility of the Audit and Risk Committee on behalf of the Council to approve the Council's Risk Management Policy and Strategy and to promote a culture of risk management awareness throughout the organisation.

This Section should be read in conjunction with that relating to Insurance (see Section 17), which is just one tool used in the control of organisational risk.

- (1) The Audit and Risk Committee shall approve and promote the Council's corporate Risk Management Policy and Strategy.
- (2) The relevant Member of SLT shall:
 - (i) develop risk management processes and procedures to assist in the identification, assessment, reduction and control of material risks and opportunities, in line with Codes of Practice.
 - (ii) undertake regular monitoring and review of the corporate, project, partnership and service arrangements for effective risk management.
- (3) The relevant Member of SLT shall ensure that the Council has identified business continuity plans for implementation in the event of disaster that results in significant loss or damage of its resources.
- (4) Members of SLT are responsible:
 - (i) for risk management within all areas under their control, including service, projects and partnerships, having regard to appropriate advice from the Chief Financial Officer.
 - (ii) for carrying out regular reviews of threats and opportunities, risk reduction and maximisation strategies and the operation of appropriate controls and mitigating actions (including business continuity plans) within their departments.
 - (iii) to ensure that their service, project and partnership risk registers are appropriately updated on a regular basis, within the Council's approved system.
 - (iv) Determining and understanding risks of new initiatives and projects before committing to such activity.
- (5) Members of SLT shall promptly notify the relevant Member of SLT of all new risks and opportunities that are material, as they are identified.

Section 22: External funding, partnership arrangements and projects

WHY ARE THESE REGULATIONS IMPORTANT?

Partnerships play a key role in delivering Council Services and in helping to promote and improve the wellbeing of the Borough. Working with others the Council will mobilise investment, bid for funds, champion the needs and harness the energies of local people and community organisations.

Partnerships can provide ways to access new resources and share risk. In some instances however, tight specifications may not be flexible enough to link to the Council's Corporate Plan. Also, new ways of working can increase the Council's exposure to fraud and to irregularities in the operation of, for example, VAT, insurances and pay.

(1) Bidding for external funding

- (i) The Senior Leadership Team and the Council's Committees and sub-committees shall seek external resources only to further the priorities and aims of the Council's Corporate Plan.
- (ii) Before making a bid for resources which, if successful, would require any financial commitment from the Council, Members of SLT shall ensure that appropriate budgets have been approved or earmarked in accordance with these Regulations.
- (iii) In working up bids, Members of SLT and the Council's Committees and sub-committees shall use appropriate project appraisal processes to assess the viability of the project in terms of resources, staffing and expertise, to identify and assess all potential risks and to ensure achievement of the required outcomes.
- (iv) Members of SLT and the Council's Committees and sub-committees shall use guidance provided by the Chief Financial Officer when seeking external funding.
- (v) All applications for external funding must be approved by the Chief Financial Officer before they are submitted.

(2) Setting up partnerships

- (i) Members of SLT shall agree and document as appropriate the roles and responsibilities of each of the partners involved in a project before the project commences.
- (ii) Where the Council is to be the lead partner, or the accountable body where other public funds are involved, the responsibilities of the Council and the obligations of the various partners are to be clearly defined and understood.
- (iii) Members of SLT shall consult the Chief Financial Officer on:
 - (a) any financial control, insurance and audit requirements to be incorporated in the partnership arrangements.
 - (b) the overall financial implications for the Council.

- (iv) Prior to entering into any commitment, the relevant Member of SLT shall ensure that any matched funding or other financial obligations of the Council are provided for within the revenue budget or capital programmes and that arrangements are made for future years' financial provisions to reflect these obligations. This should include any audit and other consequential fees as appropriate.
- (v) Before entering into any commitment the relevant Member of SLT shall consult with Legal and Procurement Services.

(3) Working with partners

- (i) These Financial Regulations and the Council's Contracts Procedure Rules shall apply equally to any orders for works, goods or services which are the responsibility of the Council under the partnership arrangements.
- (ii) The relevant Member of SLT shall comply with any conditions of funding and any statutory requirements.
- (iii) Any variation in resources to be contributed by the Council, or in the overall resources of the partnership where the Council is the accountable body, shall be dealt with in the same way as other budget variations as set out in Section 7 (Budgetary Control).
- (iv) The relevant Member of SLT shall ensure that any financial control, insurance and audit requirements of the partnership are met.
- (v) The relevant Member of SLT shall communicate regularly with the other partners throughout the project so that any problems are identified and shared on a timely basis to achieve their successful resolution.

(4) Delegation

Members of SLT shall notify the Chief Financial Officer in writing of the names of any Officers in their department authorised to act on their behalf in relation to the specific responsibilities set out in this Section, together with specimen signatures and details of any limitation on the authority delegated to them (the Authorised Signatories List).

Section 23: Commercial Arrangements and work carried out for others

WHY ARE THESE REGULATIONS IMPORTANT?

Legislation enables the Council to provide a range of services to other bodies. Such work may help maintain economies of scale and existing expertise. It may also be helpful to share the Council's facilities, expertise and resources with others under partnership or other arrangements. Effective controls should be in place to ensure that any risks associated with such work are appropriately managed and that the work falls within the Council's statutory powers.

All the requirements of these financial regulations are applicable to the Council's commercial activities.

- (1) The Chief Financial Officer shall:
 - (i) Advise on and approve the financial implications of any proposed commercial arrangements between the Council and third parties.
 - (ii) Advise on the establishment and operation of trading accounts to ensure that the accounting and control processes comply with Council and statutory requirements and that the results of trading operations are properly recorded and reported.
- (2) Members of SLT shall:
 - (iii) Identify potential commercial opportunities and evaluate the respective risks and financial benefits using guidance issued by the Chief Financial Officer.
 - (iv) Seek advice from other departments e.g. Legal and Procurement as necessary
 - (v) Obtain the approval of the Chief Financial Officer to proceed before seeking the required Member approval for implementation of the proposal
 - (vi) Update the Corporate Contract Register with such contracts entered into.
 - (vii) Comply with advice issued by the Chief Financial Officer in relation to the operation of trading accounts and the proper recording and reporting of trading results.

Section 24: Financial Procedure Notes

(1) Introduction/Status

- (i) Financial Procedure Notes (FPNs) form part of the governance framework for managing the Council's financial affairs. They are issued by the Chief Financial Officer to support the operation of the Council's Financial Regulations and provide greater detail on the arrangements to be complied with.
- (ii) The Procedures apply to every Member and officer of the Council and to anyone acting on its behalf. Compliance is mandatory unless an exception has been agreed by the Chief Financial Officer.

(2) Schedule of Procedures

- (i) A schedule of the Procedures issued by the Chief Financial Officer is outlined below. They are grouped under the key headings used within the Financial Regulations:
 - Status of Financial Regulations
 - Financial Planning and Budgeting.
 - Financial Monitoring and Control.
 - Financial Procedures and Systems.
- (ii) They are available on the Intranet and their contents will be kept under review to ensure they remain current and relevant. Advice on their application in practice can be obtained by contacting the named procedure owner.
- (iii) By their nature FPN's add detail to the principles set out in the Financial regulations and can be tailored closely to particular needs. Where an existing FPN is not considered appropriate in particular cases the relevant manager should contact the relevant 'owner' of that FPN.
- (iv) Where accountability for ensuring the requirements of the Financial Regulations are met falls outside Corporate Finance it is the responsibility of the accountable service to issue and maintain appropriate procedure notes.

LIST OF FINANCIAL PROCEDURE NOTES (FPNs)

(1) Status of Financial Regulations

| FPN TITLE | FIN REG SECTION | OWNER | LINK/LOCATION |
|--|-----------------|---|-----------------------------|
| Non-financial managers' financial training | 1 | Finance Manager – Management Accounting | Bitesize training programme |

(2) Financial Planning and Budgeting

| FPN TITLE | FIN REG SECTION | OWNER | LINK/LOCATION |
|--|-----------------|---|------------------------|
| Revenue Budget Preparation | 3 | Finance Manager – Management Accounting | Annual Guidance Issued |
| Capital Programme Preparation | 4 | Finance Manager – Financial Accounting | Annual Guidance Issued |
| Financial Implications Advice to Members | 6 | Finance Manager – Financial Accounting | Intranet - FPN 1 |

(3) Financial Monitoring and Control

| FPN TITLE | FIN REG SECTION | OWNER | LINK/LOCATION |
|----------------------------------|-----------------|---|------------------------|
| Budgetary Control | 7 | Finance Manager – Management Accounting | Annual Guidance Issued |
| Virement Process | 7 | Finance Manager – Management Accounting | Intranet – FPN 2 |
| Utility Expenditure / Monitoring | 7 | Principal Finance Officer – Financial Processing Team | Intranet – FPN 3 |

(4) Financial Procedures and Systems

| FPN TITLE | FIN REG SECTION | OWNER | LINK/LOCATION |
|--------------------|-----------------|--|------------------------|
| Financial Year End | 8 | Finance Manager – Financial Accounting | Annual Guidance Issued |
| | | | |

(4) Financial Procedures and Systems (cont.)

| FPN TITLE | FIN REG SECTION | OWNER | LINK/LOCATION |
|--|------------------------|---|----------------------|
| Procedures for the ordering of Goods and Services and Processing of Invoices | 9 | Principal Finance Officer – Financial Processing Team | Intranet – FPN 4 |
| Authorised Signatory List | 9 | Principal Finance Officer – Financial Processing Team | Intranet – FPN 5 |
| Banks Automated Credit System (BACs) | 9 | Financial Accountant – Financial Control Team | Intranet – FPN 6 |
| Construction Industry Scheme (CIS) | 9 | Principal Finance Officer – Financial Processing Team | Intranet – FPN 8 |
| Obtaining Petty Cash/Change Floats | 9 | Principal Finance Officer – Financial Processing Team | Intranet – FPN 9 |
| Processing Invoices | 9 | Principal Finance Officer – Financial Processing Team | Intranet – FPN 10 |
| Professional Fees | 9 | Principal Finance Officer – Financial Processing Team | Intranet – FPN 11 |
| Value Added Tax (VAT) | 9/16 | Finance Manager – Financial Accounting | Intranet – FPN 13 |
| Bank Giro Credit Book (Paying in Book) | 10 | Financial Control Team | Intranet – FPN 14 |
| Debt Recovery and Write Offs | 10 | Service Manager – Revenues and Business Support | Intranet – FPN 15 |
| Income Returns | 10 | Principal Finance Officer – Financial Processing Team | Intranet – FPN 16 |
| Taking Income over the Internet | 10 | Financial Control Team | Intranet – FPN 18 |

(4) Financial Procedures and Systems (cont.)

| FPN TITLE | FIN REG SECTION | OWNER | LINK/LOCATION |
|---------------------------------------|------------------------|---|----------------------|
| Banking Details | 11 | Principal Finance Officer – Financial Processing Team | Intranet – FPN 19 |
| Cash Banking | 11 | Financial Control Team | Intranet – FPN 20 |
| Returned Cheques | 11 | Financial Control Team | Intranet – FPN 22 |
| Inventories | 12 | Finance Manager – Financial Accounting | Intranet – FPN 23 |
| Control of Stocks and Stores | 13 | Finance Manager – Management Accounting | Intranet – FPN 24 |
| Credit cards | 9 | Principal Finance Officer – Financial Processing Team | Intranet – FPN 26 |
| Expenses | 18 | Principal Finance Officer – Financial Processing Team | Intranet – FPN 27 |
| Procurement | 9 | Procurement | Intranet – FPN 28 |
| Code structure and coding expenditure | 8 | Finance Manager – Management Accounting | Intranet – FPN 29 |
| Capital expenditure | 4 | Finance Manager – Financial Accounting | Intranet – FPN 30 |
| Month end | 8 | Principal Finance Officer – Financial Processing Team | Intranet – FPN 32 |
| Year end | 8 | Finance Manager – Financial Accounting | Intranet – FPN 33 |
| Commercial toolkit | 23 | Commercial Services Manager | Intranet – FPN 34 |

Glossary

Annual Financial Report

The Council's annual report on its financial position for the year ending 31 March. The report is required to be in a prescribed format and is subject to independent review.

Asset Management Plan

A document setting out the Council's plan for developing systems and internal controls to manage its land, buildings and capital expenditure in the most effective way to achieve its goals.

Asset register

A detailed listing of land, buildings, vehicles and major items of plant and equipment (assets). Asset registers are important because they enable an effective assessment of the management of assets to be made through a comprehensive record of attributes. They are also a useful basis for arranging appropriate insurance cover and substantiating insurance claims in the event of fire, theft or other loss.

Budget

A statement expressing the Council's policies and service levels in financial terms for a particular financial year. In its broadest sense it includes both the revenue budget and the capital programme and any authorised amendments to them, and the planned usage of reserves and balances. It does not however include the forward financial forecast, which is for financial planning purposes only.

Budget Book

The publication in which the Council sets out its budget for a particular financial year.

Budgetary control

The continual review of expenditure and income, both revenue and capital, against planned levels of expenditure and income to help ensure that service objectives are achieved and the overall resources of the Council are not over or under spent. This process is aided by the use of budget profiles.

Budget head

For a particular service activity, the level of detail at which revenue or capital budgets are approved by the Council, whether in the Budget Book, the latest approved capital programme or as a result of supplementary estimates approved for the budget year.

Budget profiles

As an aid to budgetary control, managers are required to specify before the start of a budget year the rate at which each budget head for which they are responsible is expected to be consumed during the course of the financial year, having regard to seasonal influences, past experience and other factors. This budget "profile" is then used to monitor the actual rate of consumption as the year progresses.

Budget provision

The amount approved by the Council for a particular budget head.

Capital contributions

Sums contributed by external persons and bodies towards the cost of capital schemes to be carried out by the Council. These commonly derive from planning agreements with developers but also include government grants and sums recovered from third parties.

Capital expenditure

This generally relates to expenditure on the acquisition or enhancement of fixed assets which will be of use or benefit to the Council in providing its services for more than one year. It also includes grants to other persons and bodies for spending by them on similar purposes.

Capital programme

The Council's financial plan covering capital schemes and expenditure proposals for the current year and a number of future years. It also provides estimates of the capital resources available to finance the programme and a statement of any under- or over-programming.

Capital receipts

The proceeds from the disposal of land and other assets which are available to finance new capital expenditure after deducting any amount required by statute to be paid over to the Secretary of State. Statute prevents capital receipts being used to finance revenue expenditure.

Capital resources

The resources earmarked either by statute or by the Council to meet the cost of capital expenditure instead of charging the cost directly to revenue. The definition covers borrowing, capital receipts and grants and contributions from external persons and bodies given for capital purposes. The Council may also contribute revenue resources to the financing of capital expenditure, and for as long as these are included in the capital programme; they are regarded similarly as capital resources.

Carry forwards

Revenue budget provision for specific goods or services which had not been supplied to the Council by 31 March and for which there is inadequate budget provision in the subsequent year. When these budgets are carried forward and added to the budget for that subsequent year in accordance with these Regulations, they are referred to as "carry forwards". A similar principle applies to capital expenditure budgets.

CIPFA

The Chartered Institute of Public Finance and Accountancy (CIPFA) is the leading professional body for accountants employed in the public sector. It issues Codes of Practice and other guidance as appropriate on matters addressed by these Regulations.

Codes of conduct

The protocols within which Members and Officers will work as set out in Part 5 of the Constitution.

Codes of practice

Guidance issued normally by professional bodies in relation to standards which are not regulated by statute. For example, CIPFA have issued Codes of Practice giving detailed guidance on accounting standards, internal audit and treasury management.

Collection Fund

The fund into which Council Tax and Business Rates income is paid and out of which the precepts of Essex County Council, Essex Police Authority, Essex Fire Authority, Basildon Borough and Local Councils are met. MHCLG's central share of Business Rates income is also paid out of the Collection Fund. Any surplus or deficit is shared between the various parties, other than Local Councils, on the basis of precepted amounts and local shares.

Contingency provisions

Money set aside in the budget to meet the cost of unforeseen items of expenditure or shortfalls in income and to provide for changes in inflation and interest rates compared with the assumptions on which the rest of the budget was set.

Contract Procedure Rules

The Council's rules relating to the procurement of works, supplies and services as set out in Part 4 of the Constitution. These are supported by Section 9 of these Regulations.

Corporate Governance

Corporate Governance is the system by which local authorities direct and control their functions and relate to their communities. The Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards and that public money is safeguarded, properly accounted for and used economically, efficiently and effectively. It also refers to its duty under the Local Government Act to make arrangements to secure continuous improvement in the way in which its functions are exercised.

Corporate Plan

A statement made by a Local Authority setting out its long-term aims for the community it serves, the organisational aims of the Council and the main values which underpin its work for the community.

Council Tax

A local tax based on the capital value of residential properties as determined by the Valuation Office, a branch of HM Revenues and Customs. The level of Council Tax set by an Authority for a particular year will be broadly determined by its expenditure on General Fund services less other income, use of Council reserves and government grant.

Council Tax base

A figure calculated annually to represent the number of dwellings over which the Council Tax for the following financial year may be collected. All dwellings within the Borough are valued by the Valuation Office Agency (an agency of HM Revenues and Customs) and classified into one of eight bands (A to H), each of which is expressed as a proportion above or below the value of Band D. The Council Tax base is the number of dwellings expressed in terms of a Band D average, after making allowance for the cost of Council Tax support, other discounts and losses on collection. When the Council sets the level of Council Tax for that year, it is expressed as an amount due per Band D, equivalent properties.

Creditor

A person or body to whom the Council owes money.

Debtor

A person or body who owes the Council money. The debt may derive from a number of sources such as Council Tax, Business Rates or rent arrears, rechargeable works or where an account has been rendered for a service provided by the Council.

Earmarked Reserves

See “Reserves”

Estimates

The amounts which are expected to be spent, or received as income, during an accounting period. The term is also used to describe detailed budgets which are being prepared for the following financial year or have been approved for the current year. The “original estimate” for a financial year is that approved as part of the budget prior to the start of that year and the “revised estimate” is an updated revision for that year.

External Audit

An independent examination of the activities and accounts of local authorities to ensure the accounts have been prepared in accordance with legislative requirements and proper practices and to ensure the Council has made proper arrangements to secure economy, efficiency and effectiveness in its use of resources.

Fees and charges

Charges made to the public for Council services and facilities.

Financial Regulations

That part of the Council’s Constitution which provides an approved framework for the proper financial management of the Council.

Financial year

The period of twelve months commencing on 1 April.

Financial forecast

The estimated value of a revenue budget head for the three financial years immediately following the budget year, or the totals of such estimates. The forecast conveys no authority to spend, and is made for financial planning purposes only.

General Fund

The revenue fund of the Council covering day-to-day expenditure and income on services. The net cost on this account is met by Council Tax.

Housing Business Plan

A document setting out the Authority’s purpose or mission as a social housing landlord, its objectives and standards for the service, and a plan demonstrating over the short, medium and long-term how those objectives will be achieved. Of particular importance are the Council’s strategies in relation to investment, management and maintenance. The Business Plan is complemented by a Housing Strategy document.

Housing Revenue Account

The revenue account covering day-to-day expenditure and income arising from the provision of Council housing. Whilst technically part of the General Fund, the debits and credits are defined in statute and any balance on the account is only available for spending on the housing stock. Activities relating to the strategic housing function, as opposed to the landlord function for the Council's own housing stock, are accounted for in the General Fund outside of the Housing Revenue Account.

In Consultation With

For the purposes of the Financial Regulations the meaning of 'In Consultation With' means that the officer and member will be in agreement. Where there is disagreement it will be referred to committee.

Insurance Pool

A fund which provides for all insurance cover for the Council. Premiums are charged to the revenue accounts of services and credited to the pool. The pool then reinsures some risks with external insurers while retaining others. The balance on the pool at any time is one of the Council's earmarked reserves.

Internal Audit

Internal Audit is an independent, objective assurance and consultancy activity designed to add value and improve an organisation's operations. It helps the organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.

Inventory

A detailed listing of all goods, materials, furniture and equipment in the ownership or use of a particular service, other than those held in stocks and stores records. Inventories are normally maintained in sufficient detail as to description, location, age, value etc. to enable any material loss arising from a fire, theft or other event to be identified and to support any insurance claim.

Investment Strategy

A statement of policies for determining the type, value and length of investments that the Council will use to place its surplus funds and also for determining appropriate third parties with whom these investments will be placed.

Leasing

A method of acquiring the use of capital assets (normally, but not exclusively) through the payment of a rental sum for a period of years. If the arrangement is for vehicles, plant and equipment, the ownership of the asset remains with the leasing company and the annual rental is charged directly to the Council's revenue accounts. If the lease (or other agreement) is in relation to real estate/property (i.e. land or buildings or rights associated) then the method of treatment of the costs may vary depending on the length of the agreement and whether a premium (lump sum) is paid and/or an annual rental/fee. No agreement relating to property or rights over property must be entered into (either taking or granting) without the agreement of the Corporate Property Manager

Local Councils

Term used in these regulations to refer to Parish Councils, Town Councils and Village Councils.

Medium Term Financial Strategy (MTFS)

The Medium Term Financial Strategy (MTFS) identifies how the Council intends to structure and manage its available resources over the medium term (current plus 3 years), and to ensure that resource allocation is aligned with and supports Council priorities'. It is updated and approved annually as part of the budget process.

Members' Allowances

A scheme of payments to elected Members of the Council in recognition of the duties and responsibilities assumed by them.

Precept

The amount that Councils and certain other public authorities providing services within Basildon Borough require to be paid from the Collection Fund to meet the cost of their services.

Prudential Indicators

The Prudential Indicators are designed to support and record local decision making regarding capital investment. The CIPFA 'Prudential Code for Capital Finance in Local Authorities' requires each Local Authority to agree and monitor mandatory prudential indicators.

Reserves

A Council's accumulated surplus income in excess of expenditure. Reserves are available at the discretion of the Council to meet items of expenditure in future years, and may be earmarked or held for general purposes. An example of an earmarked reserve is the Insurance Pool.

Revenue

A term used to describe the day-to-day costs of running Council services and income deriving from those services. It also includes charges for the repayment of debt, including interest, and may include direct financing of capital expenditure.

Risk

Risks are significant uncertainties that may affect an organisation's ability to achieve its strategic and operational activities. A risk can be an opportunity or a threat.

Risk management

Risk management is the adoption of a planned and systematic approach to the identification, evaluation and management of threats and opportunities to maximise benefits and minimise potentially negative consequences for the Council and its partners.

Risk Management Policy

This is approved by the Audit and Risk Committee endorsing the commitment of the Council to effective risk management and sets out the responsibility of Members, Directors, and the Senior Leadership Team and all staff for the identification, control and reduction of threats, the containment of loss and maximisation of opportunities in all aspects of their activities.

Supplementary estimate

The approval of an increase in the level of a particular budget head, or the establishment of a new budget head, under the procedure laid down in Section 7 of these Regulations. Where an existing budget head is involved, a supplementary estimate would not normally be approved where an appropriate virement was available.

Treasury Management

The management of the Authority's cash flows, its borrowings and its investments, the management of the associated risks, and the pursuit of the optimum performance or return consistent with those risks. It includes the setting of Prudential Indicators and monitoring compliance with them.

Treasury Management Policy Statement

A statement approved by the Council from time to time setting out the parameters within which treasury activities are to be managed.

Treasury Management Strategy

The strategy for the treasury management activities to be adopted for a particular financial year as approved by the Council within the parameters set by the Treasury Management Policy Statement. The strategy needs to be flexible enough to allow the Chief Financial Officer to respond appropriately to changing circumstances during the course of the year to the best advantage of the Council.

Virement

The transfer of budget provision from one budget head to another, under the procedure laid down in Section 7 of these Regulations. Virement decisions apply to both revenue and capital expenditure heads, and between expenditure and income, and may include transfers from contingency provisions. Virements may not however be approved between capital and revenue budget heads. Virements may be approved by Officers within the limits specified in Section 7 of the Financial Regulations.

Write off

The action taken to charge to the Council the amount due from some external party which has been found to be irrecoverable from that party. Whilst the sum remains due to the Council in law, it will no longer be shown as outstanding in the Council's accounts.

4.6 Contract Procedure Rules

Introduction

These rules apply to sales, grants, purchasing, procurement, contracts, service level agreements, and contracts with external parties, including other local authorities or public bodies.

A contract means, simply, a legally binding agreement between two or more parties. It can be for a one-off purchase or a long-term arrangement. It can be oral or in writing. It can be recorded in a formal document or in an email. Most types of Council expenditure will be a contract of some form. All officers are responsible for familiarising themselves with and adhering to these rules.

Local government employees' activities are always subject to scrutiny and challenge. Therefore, those employees have individual and collective responsibilities in connection with their conduct and practices. Council employees are required to work within the Officers' Code of Conduct. The Council's regulatory framework, including these Contract Procedure Rules, must be followed. With regard to procurement activities in particular, officers should take note of their obligations under the Council's Whistleblowing Policy.

These Contract Procedure Rules are intended to facilitate the Council's Procurement Strategy by promoting good practice, public accountability, enable the Council to achieve efficiencies and realise value for money, deter corruption, and provide guidance to officers involved in contracting. Following these rules is the Council's and officers' best defence against allegations that a particular Contract or procurement process was improper or fraudulent.

The Contract Procedure Rules are in addition to legislative requirements set out by the Government of the United Kingdom (UK) and the Directives of the European Union (EU) and those laws will take precedence over these Contract Procedure Rules.

In summary, Officers must:

- Consider whether the purchase or project fits with the Council's strategic priorities and Efficiency Agenda
- Appraise the purchasing need and evaluate whether the purchase will provide value for money, including taking account of the Whole Life Cost of the project
- Before undertaking a competitive process (going out to Tender), ask the Commercial Procurement and Contracts Team if an existing Corporate Contract (including any other government agency's arrangements available to the Council) can be used
- Consider all necessary procurement, legal, financial, and professional advice
- Follow the rules when purchasing goods or services, ordering building work, or hiring consultants, regardless of the source of funding for the activity

- Declare any personal interest in a Contract as required by the Officers Code of Conduct; corruption is also a criminal offence
- Allow enough time to undertake the process from scoping through to award of Contract; tender exercises can be lengthy, but with proper planning the timescales can be reduced considerably
- Keep bids confidential
- Identify a Contract manager with Contract management responsibility to monitor the Contract's performance and to assess each Contract after completion to determine how well it met the purchasing need and Value for Money requirements
- Keep records of communications with suppliers
- Regardless of the amount of spend, the principles of the Treaty for the Functioning of the European Union apply to all public contracts: free movement of goods, the right of establishment, the freedom to provide services, non-discrimination and equal treatment, transparency, proportionality, and mutual recognition
- Follow the proper procedures when requesting exemptions, which include prior consultation with the Assistant Solicitor to the Council (Property, Procurement, Contracts and Regeneration)
- Consider Aggregate Spend, i.e. the entire Council's expenditure rather than a discrete service expenditure.
- Consider and incorporate necessary health and safety, inclusion and diversity, and safeguarding children and vulnerable adults requirements.
- Ensure that any agents or consultants assisting with contracting and procurement processes understand and adhere to the Commercial Procurement and Contracts Team's Protocol for Consultants.

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PART 1: PROCUREMENT AND PURCHASING PROCEDURES

SECTION 1: GENERAL PRINCIPLES AND APPLICATION

1. General principles

1.1 All procedures must:

- (a) consider all necessary procurement, legal, financial, and professional advice
- (b) achieve value for money and support the Council's Efficiency Agenda
- (c) demonstrate openness, fairness, transparency, non-discrimination and equal treatment, proportionality and mutual recognition and respect the free movement of goods, respect the right of establishment, and respect the freedom to provide services
- (d) comply with all legal requirements and these rules
- (e) not be influenced by non-commercial considerations other than those permitted by law
- (f) support the Council's corporate aims, policies, and strategic direction
- (g) comply with the Council's Corporate Procurement Strategy and support the Council's corporate priorities
- (h) consider and incorporate necessary health and safety, inclusion and diversity, and safeguarding children and vulnerable adults requirements
- (i) take advice from the Financial Processing Team at an early stage where a project may fall within the Construction Industry Scheme
- (j) be approved by a direct Council employee in accordance with these rules: agents or consultants of the Council may not commit the Council to expenditure although they may, if so authorised, undertake negotiations on the Council's behalf
- (k) refer and adhere to the Council's Financial Regulations, including Procedures for Ordering Goods and Services when raising orders and processing invoices
- (l) consider, regardless of the amount of spend, the principles of the Treaty for the Functioning of the European Union: free movement of goods, the right of establishment, the freedom to provide services, non-discrimination and equal treatment, transparency, proportionality, and mutual recognition
- (m) consider Aggregate Spend

- (n) consider whether the requirement may be of potential cross-border interest to contractors in European Union countries, and if there is potential cross-border interest, advertise the contract and operate the competition in such a way as to make the opportunity available to organisations in the European Union.

- 1.2 Allow sufficient time for a tender process, which would include: properly scoping the project and consulting with all relevant departments, preparing all necessary documentation and notices, obtaining all required authorisations, and allowing a reasonable time for bidders to prepare an informed response.

Where the OJEU timescales do not apply, the time allowed must be reasonable and proportionate to allow Candidates to submit a reasonable and informed bid. This time for response must be proportionate to the complexity of the Contract requirements.

Where OJEU timescales apply, there are minimum legally-required timescales to conduct a tender process. This does not include project planning time, consultation, or time to obtain appropriate authorities.

- 1.3 Electronic tendering will be used for all tenders.
- 1.4 All expenditure must be in line with budget provision and the approved Council policy framework. Officers must demonstrate how the expenditure will support Council objectives and priorities before procurement may commence.
- 1.5 Before seeking to enter into a new Contract, officers must check whether a suitable Corporate Contract exists. Where a Corporate Contract exists that satisfies the requirements, officers must use that Contract unless there is a justifiable and auditable reason not to do so.
- 1.6 When a procurement project is initiated, officers must consider whether the Contract should be tendered as a Corporate Contract and, if so, must consult with the relevant departments.
- 1.7 Officers must keep records of procurement activities.
- 1.8 Where it is proposed that a consultant, temporary agency staff member, self-employed worker, independent contractor, or any other individual is to be taken on to work with or for the Council in any capacity, Human Resources must be consulted before beginning any type of negotiations or engaging anyone.

2. **Application and scope**

- 2.1 A Glossary of terms is found at Appendix 2.
- 2.2 All procurement and purchasing must comply with these rules, regardless of the source of funding. In particular:

- a) revenue expenditure;
- b) capital expenditure; and
- c) grant funded (grants to the Council) expenditure
- d) grants made by the Council
- e) joint procurement activities
- f) concessions contracts (contracts where the consideration to be paid includes remuneration the contractor may receive from the running of the services or the works for public benefit)

are all subject to these rules.

- 2.3 These rules do not apply to the acquisition or disposal of land (although services relating to land could come within the scope of these rules).
- 2.4 If you have questions on the application of these rules to a grant or an item of Council expenditure, contact the Commercial Procurement and Contracts Team.
- 2.5 These rules do not apply to contracts of employment that make an individual a direct employee of the authority. If you have questions on whether someone is a direct employee of the authority, contact the Head of People and Change.
- 2.6 Elected Members are subject to these Contract Procedure Rules.
- 2.7 Any questions regarding the application of these rules should be directed to the Commercial Procurement and Contracts Team.

3. **Officer responsibilities**

- 3.1 All officers responsible for purchasing goods, works, or services must comply with these Contract Procedure Rules, Financial Regulations, the Officers' Code of Conduct and with all EU and UK binding legal requirements and guidance, including but not limited to, the Public Contract Regulations 2015, Concession Contracts Regulations 2016, and Utilities Contracts Regulations 2016 or as may be amended from time to time.
- 3.2 Where an agent, consultant, or other contractual partner is acting on the Council's behalf, the responsible officer must ensure that these external parties are aware of and comply with these Contract Procedure Rules. The Commercial Procurement and Contracts Team will determine whether the Protocol on Working with Consultants should be issued to these external parties.

- 3.3 All officers must ensure that they obtain all appropriate authorisations that sufficient resources are available, and that appropriate budget provisions exist. Advice is available in these respects.
- 3.4 On the occasion when a policy steer or guidance on service levels is required to guide a procurement and contracting activity, officers must ensure they obtain guidance from Committee on the scope of the activity prior to commencing any competitive activity. The Commercial Procurement and Contracts Team must be consulted before submitting reports and recommendations in this regard.
- 3.5 Officers must not sign a Contract on behalf of the Council unless they have authority or delegated authority to do so (see rules set out herein).
- 3.6 When a Contract is entered into (including, but not limited to, where the Council is providing services, where the Council is entering shared services, one-off purchases and grants) where the Total Value is £5,000 or more, Officers must notify the Commercial Procurement and Contracts Team and provide all the information required to complete the Council's Contract Register. This is required to comply with Transparency Code 2015 Requirements and to enable the Commercial Procurement and Contracts Team to monitor expenditure that should be aggregated with other projects for Aggregate Spend, or that should be put through Corporate Contracts (tenders are only required when aggregate expenditure meets the thresholds set out herein).
- 3.7 An appropriate and comprehensive specification, tender or quotation documents and contract, must be available before any tender or quotation is released to bidders.
- 3.8 Officers must ensure that the following conditions are satisfied:
- If required, the expenditure has been the subject of a detailed project appraisal within the preceding three years and an appropriate business plan has been produced.
 - There is no significant change in the brief and the proposed expenditure will not exceed the approved budget provision subject to normal financial regulations and budgetary control procedures.
 - Where permitted and required, an appraisal of the selected bidder's financial and technical capacity has been returned with a satisfactory result. If these rules require a tender process, these appraisals must be carried out by the Director of Resources.
 - Solicitor to the Council has been consulted on the proposed Contract documentation where required (as set out in these rules) and that the relevant considerations and minimum requirements have been incorporated irrespective of the duration or value. These minimum requirements (as set out in Appendix 3 will form part of the Council's standard terms and conditions of contract.

- A purchase order is raised unless an exemption applies. Note that the Council's purchase orders automatically incorporate the Council's standard terms and conditions unless a specific contract has been agreed.

3.9 Officers must comply with the Council's Counter Fraud and Corruption Framework and Whistleblowing Policy.

3.10 Before undertaking any procurement activity, the Officer must confirm that the appropriate authorisation to commence procurement has been received. Approval of a budget for the year by the Council confers authority to spend in accordance with the budget and no further authorisation will be required other than Officer confirmation of budget allocation unless a policy steer is required as set out in Rule 3.4. Where allowance for expenditure has not been included in the budget, no procurement, subject to a de minimis of £75,000, may commence until the Director of Resources has confirmed that the appropriate Financial Regulations regarding the virement of budgets or supplementary estimates have been or will be met.

3.11 Where a contract may reach or exceed the relevant tender thresholds (for goods, services, or works) as set out in these Contract Procedure Rules, the Commercial Procurement and Contracts Team must be instructed. Full and complete instructions must be provided in the format required by the Commercial Procurement and Contracts Team. These instructions form the basis of the procurement project and will be used to develop a Procurement Plan with the instructing officer. Instructions must be authorised as set out in these rules. The Instructions and Procurement Plan and will be circulated to relevant services for comment to help to identify issues in advance and allow for proactive advice.

4. **Confidentiality, declarations of interest, and anti-bribery**

4.1 Except for the debriefing described in these Contract Procedure Rules (see rule 13) and as required in the Regulations or otherwise by law, the confidentiality of Quotations, Tenders, and the identity of bidders must be preserved at all times.

4.2 Nothing in these Contract Procedure Rules shall prevent the Council from complying with:

- The Public Contracts Regulations 2015 (as amended), particularly with regard to publication of contract award notices or voluntary ex ante transparency notices
- Access to Information legislation such as Freedom of Information Act 2000, Environmental Information Regulations 2004, and Data Protection Act 1998
- Any other Government transparency policy or legislation (for example, Government policy relating to the disclosure of expenditure of £500 or above or disclosure of tender and Contract information).

4.3 Information about any bidder's response must not be disclosed except as permitted by law.

4.4 If any officer becomes aware that a Contract in which he or she or a family member has an interest (whether financial or non-financial as defined in the Officer's Code of Conduct) has been or is proposed to be entered by the Council, that officer shall

declare an interest in accordance with the provisions set out in the Officers' Code of Conduct.

- 4.5 If a Member of the Council becomes aware that a Contract in which he or she has a personal interest (as defined in the Members' Code of Conduct) has been or is proposed to be entered by the Council, that Member shall declare an interest and comply with the provisions set out in the Members' Code of Conduct.
- 4.6 All officers and Members are reminded that a person is guilty of the offence of being bribed if he or she offers, promises or gives a financial or other advantage to another person which may influence any person to act inappropriately.
- 4.7 All officers and Members are reminded that a person is guilty of the offence of bribing another person if he or she offers, promises or gives a financial or other advantage to another person which may influence any person to act inappropriately.
- 4.8 Any officer who breaches this Rule 4 is in violation of the Officers' Code of Conduct and subject to disciplinary action. The Council would consider this to be a major breach of trust and such a violation could constitute gross misconduct.
- 4.9 Any Member of the Council who breaches this Rule 4 is in violation of the Members' Code of Conduct through disclosing confidential information and will bring his or her office or the Council into disrepute while acting in his or her official capacity. Depending on the circumstances, any such breach could also be considered an improper use of position.

5. **Exemptions to these contract procedure rules**

- 5.1 Exemptions may arise only in exceptional circumstances and the Council can only waive the rules established by the Council: the Council cannot waive UK Law or EU Procurement Regulations. If a waiver is granted, the remainder of these Contract Procedure Rules shall apply, including but not limited to, 1.1(b), 1.1(c), 1.1 (l), 1.1(m), 1.1(n), 10.1 and 10.4.
- 5.2 In any non-emergency instance where an exemption is sought, the Commercial Procurement and Contracts Team must be consulted prior to submitting the exemption for authorisation. This consultation will include considering alternative solutions in the first instance.
- 5.3 Requests to seek an exemption to the Contract Procedure Rules must include the information required by the Commercial Procurement and Contracts Team. The requesting officer must obtain appropriate authorisation and must record the decision in an Officer Decision Record, if the Contract is valued at £399,999.99 or below. Committee approval is required if over £400,000.00.
- 5.4 Exemptions to the requirement to raise purchase orders are set out in the Financial Regulations.

Emergency Situations

5.5 In the case of an emergency or urgent health and safety situation, defined as:

- a matter of extreme urgency brought about by events unforeseeable by, and not attributable to, the Council (for example a real and immediate danger to health and safety or to Council operations);
- not including solely monetary considerations;
- only where strictly necessary; and
- (in cases where the OJEU procedure would otherwise apply) the OJEU minimum timescales cannot be met.

These rules may be waived, subject to any legislative requirements, by:

- (a) Authority of any one of any one of: the Chief Executive, the Corporate Director, the Service Director or the Solicitor to the Council.
- (b) Any action in accordance with this rule must be only for the minimum required to make the emergency situation safe or to ensure continued Council operations until a compliant procurement procedure can be carried out.
- (c) In addition, the officer must consult and consider the Council's Business Continuity Plan and Corporate Emergency Plan.
- (d) Within 30 days, the officer requesting the waiver for urgent health and safety reasons must present for execution an Officer Decision Record to the decision maker documenting the reasons and justification for the waiver and provide a copy of the executed Officer Decision Record to the Commercial Procurement and Contracts Team.

Failure to commence a procurement procedure in time for completion within the timescales is a reason attributable to the Council and no valid exemption is available in such a case.

Non-emergency Situations

5.6 If requesting an exemption in any non-emergency situation services must consult with the Corporate Procurement and Contracts Team.

5.7 In non-emergency situations, the relevant Service Committee may waive the application of any of these Rules, subject to the following:

- (a) No waiver may be made where such a waiver would be in contravention of legal restrictions and requirements;
- (b) Such waiver may be made only in the case of the public interest, for example: value for money, to support a Council priority where a full tender process would unacceptably delay completion of a project (this does not include instances where officers or Members have unnecessarily delayed the commencement of a procurement process).

- 5.8 In situations where the OJEU Procedure does not apply and the responsible Senior Leadership Team member demonstrates that, for reasons as may be advised by the Commercial Procurement and Contracts Team (who will be guided by the Regulations and the Treaty), the Contract can be awarded only to a particular supplier or that competition is not required, the competition requirement may be waived by authorisation of two officers, one of which must be either the Corporate Director or the Service Director (or as delegated) and the second which must be the Solicitor to the Council (or as delegated) acting together. This exemption is not available where a design contest would be the more appropriate route and is not to be used for matters of taste or preference.
- 5.9 Where it is proposed to use the negotiated procedure without prior publication of a contract notice and the value exceeds the EU Thresholds, such a procedure may only be used in the situations described in the Public Contracts Regulations 2015 (as amended) and, except as set out in 5.5, must be authorised by two officers, one of which must be either the Corporate Director or the Service Director (or as delegated) and the second which must be the Solicitor to the Council (or as delegated) acting together. This exemption is not available where a design contest would be the more appropriate route and is not to be used for matters of taste or preference.

SECTION 2: CONDUCTING PURCHASES

6. Pre-tender market research

- 6.1 Any market research undertaken by Officers must not commit the Council to one supplier's proposed solution and should not give suppliers consulted any advance information that could give them an unfair advantage over other suppliers.
- 6.2 Except in limited circumstances, potential bidders should not be consulted about the subject of any potential Tender or Quotation.
- 6.3 Where an Officer believes that it is necessary to consult with a potential bidder about a potential Tender or Quotation, the Officer must, in the first instance, consult with the Commercial Procurement and Contracts Team to ensure appropriate safeguards against collusion, and to ensure separation of preparation and bid teams for a fair, open, and transparent process.
- 6.4 If a "market testing" procedure is proposed and could result in the award of a Contract, it is a tender and must be undertaken in accordance with these Contract Procedure Rules.

7. Collaborative arrangements and frameworks

- 7.1 Collaborative arrangements and frameworks can offer opportunities to secure value for money. However, such arrangements must be investigated to ensure that they are open for use by the Council and that they do meet Council requirements and offer value for money.
- 7.2 The Commercial Procurement and Contracts Team must be consulted before entering into any collaborative procurement arrangement or before using (calling off a Contract from) any framework agreement.
- 7.3 Using an existing framework agreement may reduce the need to follow a competitive procedure. A Contract is still required and the Commercial Procurement and Contracts Team must be consulted on the form of the framework Contract before any commitment is made.
- 7.4 Any frameworks used or set up by the Council must comply with all relevant legislation, including the length of Contracts called-off from the framework and the Commercial Procurement and Contracts Team will advise in this regard.
- 7.5 Where the Council sets up a framework arrangement for use by other public bodies, the Council must be protected, so far as possible, from liabilities arising as a result of third-party use of that framework agreement.
- 7.6 When using a framework agreement, Officers must comply with all terms, including award procedures, of the framework agreement.

- 7.7 When it is proposed that the Council will undertake a collaborative procurement with another authority or authorities, the authorisation to commence procurement as set out herein shall be required even in cases where budgetary provision has already been made, including assurances that the cost of resources have been identified, considered, and recouped where possible and appropriate.
- 7.8 Where collaboration is authorised, the lead organisation's Contract procedure rules may be followed and will be deemed to be in compliance with these Contract Procedure Rules so long as the lead purchasing organisation's contract procedure rules are in compliance with all applicable procurement legislation and the Commercial Procurement and Contracts Team can advise in this regard. A Contract is still required and the Commercial Procurement and Contracts Team must be consulted on the terms and conditions of the collaborative Contract before any commitment is made.
- 7.9 For all Contracts called off from a framework or collaborative arrangements, including the Council's own frameworks, authority to commit/enter Contract is still required at the relevant thresholds for Contract authorisation.

8. Standards and award criteria

- 8.1 All documents that will be sent to suppliers interested in bidding for Council Contracts must contain, in the case of pre-qualification questionnaires, all the criteria (including sub-criteria) upon which bidders will be selected for invitation to bid. All minimum requirements and any pass/fail criteria shall be clearly set out.
- 8.2 All documents that will be sent to suppliers interested in bidding for Council Contracts must contain, in the case of quotations, tender, or bid documents, all the criteria (including sub-criteria) upon which the winning bid will be selected. All minimum requirements and any pass/fail criteria shall be clearly set out.
- 8.3 For the OJEU Procedure, specifications must use European Union standards. If the Officer proposes using standards other than European Union standards, the Commercial Procurement and Contracts Team must be consulted.
- 8.4 The Officers must define Award Criteria that are appropriate and relevant to the purchase. The Award Criteria must be designed to secure the outcome representing the best Value for Money for the Council (which may or may not be the lowest price).
- 8.5 Basic award criteria are:
- "Lowest price" or
 - "Most economically advantageous" where considerations other than price also apply (in most cases, this is the preferred criterion for the Council).

- 8.6 When using “most economically advantageous” criterion, further criteria must be set to establish how the Contract will be awarded. These criteria must be given a weighting whenever possible and the criteria, weighting, and scoring methodology must be disclosed to bidders. Where weightings are not possible, the criteria must be listed in descending order of importance.
- 8.7 Criteria for selection of bidders and criteria for award of a Contract must be in line with the Regulations and the EU Principles.
9. **In-house bids and alternate service provision**
- 9.1 Where it is proposed that a Council service, department, or team will bid for all or a portion of a Contract, there must be a clear separation of duties between the procurement side (e.g. preparing specifications and evaluating tenders) and the bid side (e.g. preparing and submitting bids for consideration).
- 9.2 All bidders must be fully informed if an in-house bid is contemplated or if the Council is investigating alternate service provisions at the same time as the bid process is proceeding.
10. **Competitive procedures¹**
- 10.1 The procedures set out below are minimum requirements if value for money can be demonstrated. Officers must consider whether further competition may be required in each particular case in order to demonstrate value for money.
- 10.2 Where a tender is required, the tender must be conducted with the advice and guidance of the Commercial Procurement and Contracts Team and must include Contract documentation.
- 10.3 Where a distinction is made between goods, services, and works, Officers must consult with the Commercial Procurement and Contracts Team on whether the procurement is for goods, services, or works as the distinction is not always clear.
- 10.4 The table below sets out the minimum level of competition required. If value for money cannot be demonstrated by adopting a particular competition method, then the Officer must adopt a higher level of competition. Concessions contracts (those that are at “no cost” to the Council or that consist in whole or in part of income that the supplier generates through providing the works or services) are also subject to these thresholds. Note that any requirement worth over £25,000, if advertised at all, by law must first be advertised in Contracts Finder or OJEU dependent upon value. Any contract advertised in OJEU must also be advertised in Contracts Finder. Officers must seek advice from the Commercial Procurement and Contracts Team in this regard.

¹ Appendix 1 contains guidance to the competition and authority requirements.

| | | | | |
|---|--|---|---|---|
| | Single Quote (if value for money can be demonstrated) | At least three written quotes (five written quotes for works or concessions contracts) | Advertised tender supported by Commercial Procurement and Contracts Team | OJEU tender supported by Commercial Procurement and Contracts Team |
| Goods and Services (including Concession Contracts) | Up to £10,000 | £10,001 to 50,000 | £50,001 to within 10% of OJEU thresholds ² | Within 10% of OJEU threshold and over. |
| Works | Up to £10,000 | £10,001 to £100,000 | £100,001 to within 10% of OJEU thresholds ³ | Within 10% of OJEU threshold and over. |

- 10.5 Procedure for consultancy required by the Chief Executive: Where the Chief Executive requires short-term (defined as a period of time less than one year), flexible resources in the form of consultancy, the Chief Executive may undertake a quotation procedure where the estimated Total Value is up to within 10% of the OJEU threshold for services. The remainder of these Contract Procedure Rules shall apply, including but not limited to 1.1(b), 1.1(c), 1.1 (l), 1.1(m), 1.1(n), 10.1 and 10.4.
- 10.6 Where the OJEU Procedure does not apply and the Total Value of the expenditure requires a tender, the Officer must conduct a tender in accordance with these rules and taking account of the guidance set out by the Commercial Procurement and Contracts Team. Such competitive procedures will be guided by the OJEU Procedure.
- 10.7 Where the OJEU Procedure applies, tenders must be conducted in a manner authorised by the Regulations.

² For example, the following thresholds apply to any procurement as at 1 May 2017:

| Type of Contract | OJEU Threshold | OJEU Tender required in accordance with Rule 10.4 |
|--|----------------|---|
| Services not defined as "Light Touch" under Public Contract Regulations 2015 | £164,176 | £147,758 |
| Services defined as "Light Touch" under Public Contract Regulations 2015 | £589,148 | £530,233 |
| Works | £4,104,394 | £3,693,955 |
| Concessions | £4,104,394 | £3,693,955 |

10.8 In any case, where the Officer intends to shortlist interested bidders to invite to tender, at least three bidders will be invited (unless a greater amount is required by law as OJEU Procedures may require five bidders to be shortlisted), provide that at least three bidders qualify. If three bidders do not qualify, then all suitably-qualified bidders will be invited to tender.

10.9 Where the invited number of bidders do not all respond to a quotation or tender process, the Officer may proceed with the process, unless prohibited by law, providing that value for money can be demonstrated.

11. Tender return and opening procedures

11.1 The Council uses a recognised electronic tendering system that releases submissions for opening only at a predetermined date and time. Pre-qualification questionnaires and tenders submitted through that system may be accessed and opened by a member of the Commercial Procurement and Contracts Team through this system.

11.2 Whether pre-qualification questionnaires or tenders are received in accordance with 11.1, submissions not received by the due date and time shall be recorded as late and shall not be considered for acceptance under any circumstances.

12. Clarification procedures and post-tender negotiation

12.1 Clarifications of invitations to tender or quotation documents may be made so long as the clarification information is shared with all bidders.

12.2 Officers may seek clarification of bid submissions so long as the clarifications are not asking for new information not already provided by the bidder.

12.3 All clarification information is to be recorded and, if necessary, included in the terms and conditions of the Contract.

12.4 Negotiations and clarifications should not materially alter the specification or Contract that was tendered, nor should a bidder who has been awarded a Contract be permitted to materially amend its bid after the award.

12.5 It is not permissible to use one bidder's price to get another bidder to bring down its price, although all bidders may be given the opportunity to reduce their costs.

12.6 Bidders must be treated fairly and equally in all clarifications or post-tender negotiations.

12.7 Where clarifications or post-tender negotiation result in a material change to the specification or Contract terms tendered, the Contract must not be awarded but must be retendered.

13. **Evaluation, award of contract, standstill period and debriefing candidates**

- 13.1 All portions of a returned tender must be evaluated in accordance with the pre-determined award criteria. Officers may not add or change criteria after pre-qualification questionnaires or tender documents have been returned. This includes setting sub-criteria, creating evaluation guidance notes, or setting pass/fail criteria.
- 13.2 Where the procurement is an OJEU procedure, the Contract may not be awarded until the conclusion of the legally required standstill period. Consult the Commercial Procurement and Contracts Team for assistance in calculating the standstill period.
- 13.3 If the procurement is an OJEU procedure, candidates who are disqualified after each stage must be notified in writing that they have been disqualified and must be given the reasons for the disqualification, including any scores that they have received.
- 13.4 If the procurement is an OJEU procedure, where the candidate is disqualified after the final tender stage, the candidate must be notified of:
- The decision to award
 - The criteria on which the Contract was awarded
 - The reasons for the decision, including the characteristics and relative advantages of the successful tender
 - The score obtained by the candidate
 - The score obtained by the contractor or contractors who have been awarded the Contract or places on the framework agreement
 - The name of the contractor or contractors who have been awarded the Contract or places on the framework agreement
 - A precise statement of when the standstill period will end and how the timing of its ending may be affected or the date before which the Council will not enter the Contract or conclude the framework agreement.
- 13.5 If the procurement is an OJEU Procedure, candidates who were disqualified prior to final tender stage must also receive the letters described in 13.4 except that the words “and relative advantages” shall not apply.
- 13.6 Where the procurement is not an OJEU procedure, the Officer should provide the debriefing described in 13.4 but the briefing in 13.5 is not required.
- 13.7 All bidders must be notified simultaneously and as soon as possible of the intention to award the Contract to the successful bidder.
- 13.8 Where the procurement is an OJEU procedure, no Contract may be entered until the conclusion of the standstill period as required by law.
- 13.9 In some instances, bids received in a tender process may exceed the allocated budget. There are mitigating actions that may be taken, but the Officer must consult with the Corporate Finance Team for advice on the way forward.

SECTION 3: CONTRACT AND OTHER FORMALITIES

14. Contract Commitment and Documentation

14.1 Where the Total Value is £75,000 or more and specific provision has been included in the approved revenue or capital budget, the Officer may only commit the Council to expenditure when the Chief Financial Officer, or an officer with delegated authority, has confirmed in writing that:

- sufficient resources are available,
- the proposed expenditure does not exceed the available budget, subject to other budgetary controls and financial regulations being employed, and
- the appropriate authorisation to commit the Council to expenditure/Contract has been obtained from the appropriate Council officer or Committee (see table below)

| Total Value | Authorisation to Commit to Expenditure/Contract |
|-----------------------|--|
| Up to £399,999.99 | Relevant Senior Leadership Team member or as delegated as permitted by Financial Regulations |
| £400,000.00 and above | Relevant Committee or Sub-Committee |

Regardless of the thresholds set out above, the provisions of part 3 of the Council's Constitution specify the responsibility and functioning of service Committees, which may require referral to Committee regardless of financial threshold.

Note: the authorisation to commit to expenditure/Contract is based upon the final tendered Total Value of the Contract, not the Total Value estimated at the commencement of the procurement process. For example, if a Director authorised commencement of procurement on an estimate of £350,000.00 and the final value is £400,500.00, Committee authorisation to commit to expenditure/Contract is required.

14.2 The Council's purchase order, the Council's form of contract, or standard terms and conditions issued by a relevant professional body must be used wherever possible.

14.3 The advice of the Solicitor to the Council must be sought for any of the following types of Contracts and relevant terms and conditions:

- where the Total Value exceeds £25,000
- where it is proposed to use a supplier's terms or the supplier proposes changes to the Council's terms and conditions
- when the Transfer of Undertakings (Protection of Employment) Regulations (TUPE) may apply
- those that are complex in any way or
- those relating to proposed arrangements between public sector bodies.

14.4 The advice of the Director of Resources must be consulted on those Contracts involving leasing arrangements.

14.5 Contract execution shall be as set out in the table below:

| Total Value | Contract Execution |
|---|---|
| Up to £75,000 (unless Special Circumstances apply) | By two Senior Leadership Team members or as delegated |
| £75,001 and above Or Special Circumstances (see below) | Under seal |
| Special Circumstances may include situations where: | |
| <ul style="list-style-type: none"> • A bond is established on behalf of the contractor or its guarantor • Sealing is required by the parties to the agreement • The Council may wish to enforce the Contract more than six years after its end • The price paid or received under the Contract is a nominal price and does not reflect the value of the goods or services or • There is any doubt about the authority of the person signing for the other party. | |

14.6 All Contracts must be concluded in writing before the supply, service, or work begins, except in exceptional circumstances, and then only with the written consent of the relevant Senior Leadership Team member.

14.7 Contracts under seal will be done in accordance with the Council's constitutional sealing provisions.

15. Bonds and parent company guarantees

15.1 The Officer must consult the Chief Financial Officer or Deputy about whether a Parent Company Guarantee is necessary when a bidder is a subsidiary of a parent company and:

- award is based on evaluation of the parent company, or
- there is some concern about the stability of the bidder.

15.2 The Officer must consult the Chief Financial Officer or Deputy about whether a Bond is needed:

- where the Total Value exceeds £1,000,000, or
- where it is proposed to make staged or other payments in advance of receiving the whole of the subject matter of the Contract and there is concern about the stability of the Candidate.

15.3 Where a bond is required, it should generally be set between five and twenty percent (5-20%) of the Contract value, depending on the risk involved in the Contract.

15.4 The Officer should seek advice from the Manager Strategic and Executive Support or the Insurance Manager and Risk Management and Governance Officer at an early stage when a Bond or Parent Company Guarantee may be necessary.

SECTION 4: CONTRACT MANAGEMENT

16. Managing contracts

- 16.1 All Contracts must have a named Council Contract manager (named by job title) for the entirety of the Contract. If the Contract manager changes, the Contractor must be notified as soon as possible of the change and the identity of the new Contract manager.
- 16.2 The named Contract manager is responsible for managing the performance of the Contract.
- 16.3 Contract managers must follow such procedures and guidance as may be issued or updated from time to time by the Commercial Procurement and Contracts Team, Legal Services, Financial Services, and other departments or services that may be relevant to the Contract.
- 16.4 When any Contract is entered into, the details of the Contract must be entered into the Council's Contracts Register. Contact the Commercial Procurement and Contracts Team for instructions on ensuring that the necessary details are included in the Contracts Register.
- 16.5 Original Contract documents must be sent to Legal Services for storage in the strong room.
- 16.6 Before proposing or authorising the extension of any existing Contract, the responsible officer shall, in consultation with the Commercial Procurement and Contracts Team, ensure that the proposed Contract extension fully complies with any relevant EU Procurement Directives and these Contract Procedure Rules.
- 16.7 The Contract manager must conduct regular reviews of the Contract to monitor performance and service delivery and to address any sub-standard performance with the contractor.
- 16.8 Contracts shall, so far as possible, be constructed and managed to achieve continuing efficiencies and added value throughout the term of the Contract.
- 16.9 Contract managers must monitor Contract invoices to ensure that amounts charged by and paid to contractors are those amounts agreed to in contractual documents.
- 16.10 Contract managers must monitor Contract expenditure so that, subject to normal financial regulation and budgetary control procedures, the amount agreed and budgeted for the Contract is not exceeded and that the threshold against which the Contract was tendered is not exceeded. Should Contract expenditure threaten to approach the tender threshold or to exceed the amounts agreed and budgeted, the Contract manager must immediately seek advice from the Commercial Procurement and Contracts Team and from the Director of Resources.
- 16.11 Purchase orders must be raised against Contracts.

PART 2: GRANT FUNDING GIVEN BY THE COUNCIL

17. An increasing use of competition and written agreements in the award of grants can lead to some confusion with public procurement contracts. It is important to distinguish between procurement and grants and consequently apply the appropriate procedures. Where the monetary value of proposed grants will meet or exceed the thresholds required for a tender or quotation procedure, Officers must seek advice from the Commercial procurement and Contracts Team and, if so advised, comply with the Contract Procedure Rules. Where the grant will be below these levels, Officers must consider whether the arrangement could be considered to be a Contract and, if so, must comply with the Contract Procedure Rules.
18. Regulations differentiate between giving organisations grants and public procurement and caselaw is starting to emerge in this area. In 2009, the Court of Appeal considered two points, the first issue turned on whether the pro-forma funding agreement, was a public contract. To be a contract, requires a monetary interest, and where it is a contract for services, the service provider must be offering services which are 'on the market'.
19. When considering monetary interest, even if a service provider is a not-for-profit organisation, it can still be caught within the public procurement regime. However, it has been found that a contract merely for the reimbursement of costs and no remuneration or other benefit is not 'for pecuniary interest'.
20. Distinguishing between a grant and a public procurement contract is complex and can involve careful consideration of the arrangement between the parties and not merely the Council deciding to 'offer a grant'. The Commercial Procurement and Contracts Team will offer assistance and support to all services across the Council using grants with external organisations to support projects or schemes for the benefit of the community. Please seek early advice.

PART 3: SALES AND OTHER DISPOSALS OF COUNCIL ASSETS

21. All disposals of Council property and equipment must be conducted in line with the Council's Financial Regulations and Constitutional provisions.
22. All disposals must seek to bring best value for money to the Council for the disposal of the asset.
23. Before disposing of any Council asset, the disposing officer must consider whether there are potential liabilities to the Council that would arise as a result of the disposal and, if so, seek advice from the Manager Strategic and Executive Support, the Insurance Manager and the Risk Management and Governance Officer regarding appropriate indemnities.
24. Before disposing of any Council asset the disposing officer must liaise with the Director of Resources.

Land and Buildings (Real Property)

25. Where a sale or other disposal (including leases or rentals) of the Council's real property is proposed either as a stand-alone project or as part of a procurement exercise, the Director of Growth must be consulted.
26. The disposal must be made in accordance with the Council's Constitutional provisions.

Plant and Equipment

27. Where a sale or other disposal (including leases or rentals) of the Council's plant or equipment is proposed either as a stand-alone project or as part of a procurement exercise, the Service Manager Corporate Property must be consulted.
28. Managers have responsibility for:
 - (a) identifying equipment that is surplus to Council requirements;
 - (b) establishing that the Council does have ownership rights over the property to be sold or otherwise disposed of;
 - (c) establishing that the Council has a right to sell the property.

PART 4: SERVICE LEVEL AGREEMENTS WITH EXTERNAL BODIES

29. General principles

- 29.1 Service Level Agreements with other public bodies can provide good opportunities to realise operational efficiencies or other operational benefits in the context of shared services.
- 29.2 Service Level Agreements can also expose the Council to unacceptable risk if not thought through and incorporating clauses necessary for the Council's protection.
- 29.3 Do not assume that because a Contract is proposed with another public body that it is exempt from the Procurement and Purchasing Procedures set out in Part 1. You may need to conduct a tender exercise for the service. Consult the Commercial Procurement and Contracts Team for advice.
- 29.4 Service Level Agreements must seek to bring best value for money to the Council.

30. Authorisation and authority to enter a service level agreement

- 30.1 Where the Contract Procedure Rules set out in Part 1 do not apply, authorisation to negotiate a Service Level Agreement must be given by the relevant Senior Leadership Team member.
- 30.2 Service Level Agreements must be executed as follows:
 - (a) by the relevant Senior Leadership Team member up to a limit of £250,000.
 - (b) where the total cash value of the Service Level Agreement exceeds £250,000 by the relevant Director.

31. Requirements for entering a Service Level Agreement

- 31.1 The following Council departments must be consulted before entering into any Service Level Agreement:
 - (a) Legal and Procurement
 - (b) Insurance
 - (c) Performance Programme and Risk
 - (d) Human Resources
 - (e) Finance
 - (f) Emergency Planning
 - (g) Any other relevant service
- 31.2 Consideration must be given to insurance and indemnities required to protect the Council's interests.

Appendix 1: Flow Charts and Guidance to Procurement and Purchasing Procedures

The tables provided are for guidance and summary purposes only. Always consult the full Contract Procedure Rules and take advice where necessary. Please consult with the Commercial Procurement and Contracts Team on whether your procurement is for goods, services, or works as the distinction is not always clear.

Goods and Services Guidance³

| | Up to £10,000 | £10,001 to 50,000 | £50,001 to within 10% of EU threshold | Within 10% of EU threshold to £399,999.99 | £400,000 and above |
|---|--|--|--|---|-------------------------------------|
| Authorisation to commence procurement if a new activity, service, or project Rule 3.4 and 3.10 | Budget allocation or compliance with virement processes (always considering whether policy steer or guidance on service levels to be agreed is required from the relevant Committee) | → Same | → Same | → Same | → Same |
| Method of competition Rule 10 | No competition requirement – order from any supplier if value for money can be demonstrated | No advertising requirement – obtain at least three written quotations if value for money can be demonstrated | Conduct tender in line with EU Principles | Undertaken in accordance with the Regulations | → Same |
| Present for tender opening Rule 11.1 | Not applicable | Not applicable | Via electronic tendering system | → Same | → Same |
| Authorisation to award Contract – Always required Rule 14.1 | Senior Leadership Team member (or as delegated) | → Same | → Same | → Same | Relevant Committee or Sub-Committee |
| Contract formalities Rule 14.3 | 1) Written Contract and purchase order or 2) rely on purchase order | → Same if under £25,000, otherwise Written Contract and raise purchase order | Written Contract and raise purchase order | → Same | → Same |
| Contract execution/signatory Rule 14.5 | Senior Leadership Team member (or as delegated) or under seal if Special Considerations | → Same | → Same if under £75,000. If £75,0001 or above execute under seal | → Under seal | → Same |

³ However, refer to special procedures for flexible resourcing as required by the Chief Executive at Rule 10.5 and specific thresholds for Light Touch and Concession contracts.

Works Guidance

| | Up to £10,000 | £10,001 to 100,000 | £100,001 to £399,999.99 | £400,000.00 to within 10% of OJEU threshold | Within 10% of OJEU threshold and above |
|---|--|---|---|---|---|
| Authorisation to commence procurement if a new activity, service, or project Rule 3.4 and 3.10 | Budget allocation or compliance with virement processes (always considering whether policy steer or guidance on service levels to be agreed is required from the relevant Committee) | → Same | → Same | → Same | → Same |
| Method of competition Rule 10 | No competition requirement – order from any supplier if value for money can be demonstrated | No advertising requirement – obtain at least five written quotations if value for money can be demonstrated | Conduct tender in line with EU Principles | → Same | Undertaken in accordance with the Regulations |
| Present for tender opening Rule 11.1 | Not applicable | Not applicable | Via electronic tendering system | → Same | → Same |
| Authorisation to award Contract – Always required Rule 14.1 | Senior Leadership Team member (or as delegated) | → Same | → Same | Relevant Committee or sub-committee | → Same |
| Contract formalities Rule 14.3 | 1) Written Contract and purchase order or 2) rely on purchase order | → Same if under £25,000, otherwise Written Contract and raise purchase order | Written Contract and raise purchase order | → Same | → Same |
| Contract execution/signatory Rule 14.5 | Senior Leadership Team member (or as delegated) or under seal if Special Considerations | → Same if under £75,000. If £75,001 or above execute Under Seal | Under seal | → Same | → Same |

Appendix 2: Glossary of terms

When used in the Contract Procedure Rules, capitalised terms have the meanings set forth in this section.

| | |
|------------------------------|---|
| Accelerated Procedure | Shorter OJEU Procedure timescales available in exceptionally limited circumstances of urgency. |
| Agent | A person or organisation acting on behalf of the Council. |
| Aggregate Spend | The total amount spent, across the Council as a whole, on a particular set of goods, services, or works. |
| Award Criteria | The factors upon which the decision to award a contract is based. |
| Call-off | A specific contract that is made and entered by using a Framework. |
| Candidate | Any person, organisation, or entity that asks to or is invited to submit a Quotation or Tender |
| Competitive Dialogue | Used for particularly complex contracts. Involves a discussion of options and solutions. |
| Consultant | A person or organisation engaged to perform services for the Council where the Council does not have ready access to employees with the necessary skills, experience, or capacity for a specific length of time to work to a defined project brief with clear outcomes to be delivered and who brings specialist skills or knowledge to the role. |
| Contract | A legally binding agreement between two or more parties. It can be for a one-off purchase or a long-term arrangement. It can be oral or in writing. It can be recorded in a formal document or in an email. Most type of Council expenditure will be a contract of some form. All officers are responsible for familiarising themselves with and adhering to these rules. |
| Contract Register | The Council's list of Contracts. |
| Corporate Contract | A Council-wide contract for a particular set of goods, works, or services. |
| EU Principles | The procurement principles of the Treaty for the Functioning of the European Union that apply to all public contracts: free movement of goods, the right of establishment, the freedom to provide services, non-discrimination and equal treatment, transparency, proportionality, and mutual recognition. |

| | |
|--------------------------------|--|
| Framework | Frameworks may either have a single supplier or many suppliers and be available for use by multiple authorities or be set up for use by a single public body with many suppliers on the agreement. Frameworks must be set up and used in accordance with the Regulations. |
| ITT | Invitation to tender. |
| Negotiated Procedure | Available only in limited circumstances, including where the authority negotiated directly with the Candidate of its choice. |
| OJEU | Official Journal of the European Union. This is the publication where contract notices must be published if the procurement is subject to the Public Contract Regulations 2015. |
| OJEU Procedure | The competitive contract procedures set out by the Regulations. The OJEU Procedure is, in part, subject to monetary thresholds which change every two years. The Commercial Procurement and Contracts Team will notify the organisation of the current limits. |
| Open Procedure | All interested Candidates may submit a tender without being shortlisted. |
| Regulations | The Public Contracts Regulations 2015 (as amended and any other relevant legislation). |
| Restricted Procedure | Interested Candidates must pre-qualify by satisfying selection criteria before they are invited to tender. |
| Service Level Agreement | A contract for services between one or more public bodies, including public bodies. This may or may not involve payments or remuneration. |
| Total Value | <p>The whole value or estimated value (in money or equivalent value) for a single purchase calculated, exclusive of Value Added Tax, calculated in accordance with the Regulations (for example):</p> <ul style="list-style-type: none"> (a) When estimating Total Value, the value of any potential contract extensions must be included (b) where the contract is for a fixed period, by taking the total price to be paid or which might be paid during the whole of the period (c) where the purchase involves recurrent transactions for the same type of item, by aggregating the value of those transactions in the coming twelve months (d) where the contract is for an uncertain duration, by multiplying the monthly payment by forty-eight (e) for feasibility studies, the value of the scheme or contracts which may be awarded as a result |

- (f) for Nominated Suppliers and Sub-contractors, the Total Value shall be the value of that part of the main contract to be fulfilled by the Nominated Supplier or Sub-contractor.

Treaty

The Treaty for the Functioning of the European Union.

Appendix 3: Minimum Contract Requirements

All Council contracts shall be in writing.

At a minimum, Council contracts shall specify:

1. What is to be supplied (e.g. the works, goods, or services).
2. Payment provisions – the price to be paid and when.
3. The time, or times, within which the contract is to be performed.
4. The Council's remedies if the contract is not performed according to its terms including, where appropriate, liquidated damages.
5. That the contractor may not novate, assign, or sub-contract without prior written consent.
6. Any insurance requirements.
7. Any health and safety requirements.
8. Access to information legislation requirements and transparency disclosures.
9. Inclusion, equality, and diversity requirements, including an obligation to comply with applicable legislation in the performance of the contract.
10. Obligations to assist the Council in meeting its obligations to safeguard and promote the well-being of children and vulnerable adults, including (if applicable) that the contractor must comply with the Council's safeguarding policy in the performance of the contract.
11. Where agents are used to let contracts, that agents must comply with the Council's Contract Procedure Rules
12. A right of access to relevant documentation and records of the contractor for monitoring, review, and audit purposes, if relevant.
13. That contractor invoices must quote a valid Council purchase order number.
14. Prohibitions against and clauses regarding the Council's rights in the case of corruption, fraud, collusion, bribery, or money-laundering.
15. Performance indicators, review, and monitoring provisions
16. Clauses pertaining to human resources considerations if employees are involved.

4.7 Officer Employment and Disciplinary Procedure Rules

1. In this part –

“the 1989 Act” means the Local Government and Housing Act 1989;

“disciplinary actions” has the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001.

2. Subject to paragraph 3, 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 officer designated under section 4(1) of the 1989 Act as the head of the authority’s paid service or by an officer nominated by him.

3. Paragraph 2 shall not apply to the appointment, except where the appointment is to be made exclusively from amongst existing officers, or dismissal of, or disciplinary action against the following which shall be undertaken by the authority, or one of its committees (or a sub-committee) as set out in Part 3 of this Constitution:

(a) The officer designated as the authority’s head of paid service

(b) a statutory chief officer within the meaning of section 2(6) of the 1989 Act

(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

(e) a person in pursuance of section 9 of the 1989 Act (assistants for political groups)

4. Where a committee, or sub-committee is discharging, on behalf of the authority, the function of the appointment of an officer designated as the head of the authority’s paid service, the Council must approve that appointment before an offer of appointment is made to that person.

5. Where a committee, or sub-committee is discharging, on behalf of the authority, the function of the dismissal of an officer designated as the head of the authority’s paid service, as the authority’s chief finance officer, or as the authority’s monitoring officer, the authority must approve that dismissal before notice of dismissal is given to that person.

6. **Appointments**

(a) All appointments will be made in accordance with the Council’s Recruitment Procedure

- (i) The Council will draw up a statement requiring any candidate for appointment as an employee to state in writing whether they are the parent, grandparent, partner, spouse, civil partner, carer 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) Where a candidate has declared such a relationship, any offer of employment shall be subject to approval by the appropriate Senior Leadership Team member, except where the Senior Leadership Team member is the officer to whom the candidate has declared a relationship in which case the appropriate Director will approve any proposed offer of employment.
- (b) Seeking support for appointment
- (i) The Council will disqualify any applicant who directly or indirectly seeks the support of any Member or officer for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
 - (ii) No Member or officer will seek to support any candidate for any appointment with the Council.

7. Recruitment of Head of Paid Service and Chief Officers

Where the Council proposes to appoint a Head of Paid Service, Statutory Officer, Chief or Deputy Officer and it is not proposed that the appointment be made exclusively from among its existing Officers, the Council will:

- (a) Draw up a statement specifying:
 - (i) the duties of the Officer concerned
 - (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
- (c) Make arrangements for a copy of the statement mentioned in (a) above to be sent to any person on request

8. Disciplinary

- (a) The relevant committee or sub-committee as set out in Part 3 of the Constitution shall deal with disciplinary issues in connection with the authority's statutory officers, Chief Officers and Deputy Chief Officers as defined in this Constitution and any assistant to political groups and resolve any action which it considers appropriate. With regards to disciplinary issues in connection with the authority's statutory officers, the committee can only resolve action short of dismissal. In instances where its recommendation is to dismiss any statutory officer it must adhere to the processes set out in legislation and in these procedure rules and refer its recommendation to Council.

- (b) The Council's statutory officers are those defined as Head of the Authority's Paid Service, Chief Finance Officer and Monitoring Officer.

9. Dismissal of statutory officers

- (a) Any of the authority's statutory officers may not be dismissed by the authority unless the procedures set out in The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 and which are set out in this Procedure Rule are complied with.
- (b) The relevant Committee or sub-committee as defined in Part 3 of the Council's Constitution shall:
 - a. Screen potential disciplinary/dismissal issues against the Council's statutory officers and consider whether they require investigation and whether the relevant officer should be suspended.
 - b. Organise any investigation, including appointing an investigator and agree the process for the investigation, hearing etc.
 - c. Review the results of the investigation to consider what disciplinary action if any is appropriate, after hearing the view of the relevant officer, and report its recommendations and take action short of dismissal (or no action), as they consider appropriate.
 - d. Where dismissal is the Committee's recommendation, refer the matter to a Panel to be constituted in accordance with The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.
 - e. Refer its report in which they recommend dismissal, alongside the views of the Panel to Council to consider and vote on whether it approves the proposal to dismiss.
 - f. Where Council approves dismissal, action the dismissal by issuing notice of dismissal.
- (c) The Independent Panel
 - a. The relevant Committee or sub-committee as defined in Part 3 of the Council's Constitution shall be responsible for appointing the Panel referred to in 8(b)d. above which must comprise of relevant 'independent persons'. An 'independent person' is defined as a person appointed under Section 28(7) of the Localism Act 2011
 - b. The Committee or sub-committee must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel and must appoint to the Panel such relevant independent persons who have accepted an invitation in accordance with the following priority order:

- (i) A relevant independent person who has been appointed by the authority and who is a local government elector
 - (ii) Any other relevant independent person who has been appointed by the authority
 - (iii) A relevant independent person who has been appointed by another authority or authorities
 - c. The Panel must be appointed at least 20 working days before the relevant meeting of Council at which the matter is to be considered.
 - d. Any remuneration, allowances or fees paid by the authority to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the 2011 Act.
- (d) Consideration by Council

Before taking a vote on whether or not to approve the dismissal of a statutory officer, Council must take into account, in particular:

- Any advice, views or recommendations of the Panel
- The conclusion of any investigation into the proposed dismissal; and
- Any representations from the relevant officer

10. Disciplinary action in connection with other officers

Members will not be involved in the disciplinary action or dismissal against any other officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct. The Council's disciplinary, capability and related procedures, as adopted from time to time, may allow a right of appeal to Members via the relevant Council committee or sub-committee in respect of disciplinary action.

4.8 Urgent Decision Procedure Rules

1. A decision will be classified as urgent if in the view of the Chief Executive, in consultation with the Chairman of the relevant service Committee or in the absence of the Chairman, the Vice-Chairman, any one or more of the following criteria apply:
 - (a) A service is not being provided;
 - (b) The Council is breaking the law or financial rules;
 - (c) The public are being put at serious risk of harm;
 - (d) The Council are suffering significant financial loss;
 - (e) Consultation deadlines are not being met;
 - (f) It is necessary to respond to a major incident;
 - (g) There are other unforeseen circumstances which make delay imprudent.
2. Urgent decisions will be dealt with in accordance with the following procedure:
 - (a) If a decision not able to be dealt with under officers' delegated powers is considered to be urgent and the relevant scheduled Committee meeting is not imminent then the Urgent Decision and Staffing Sub-Committee may be convened by the Chief Executive, in consultation with the Chairmen of the relevant service committee and the Urgent Decision and Staffing Sub-Committee. The Chairman of the relevant Committee whose remit the matter would ordinarily fall within will be invited to the meeting of the Urgent Decision and Staffing Sub-Committee, but will not in this capacity be classed as a member of that Sub-Committee.
 - (b) Where such a decision would be contrary to the policies of the Council then the Mayor must agree that the matter be dealt with as urgent business.
 - (c) However, if the decision is so urgent that any delay would seriously prejudice the Council's or the public's interest and it is not practicable to convene a meeting of the Urgent Decision and Staffing Sub-Committee then the Chief Executive may take the decision under delegated powers consulting where practicable the Chairman of the relevant service committee and/or Monitoring Officer. Following the Chief Executive's decision there will be a full report to the next meeting of the relevant committee or sub-committee meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.
 - (d) The Access to Information Procedure Rules shall apply to this procedure in relation to the giving of notice and publication of agenda and documentation.
 - (e) The agenda or report shall set out the reasons for urgency within it. If there is not a written report the reasons shall be recorded with the decision.

- (f) Where it has not been possible to give the required notice of the meeting or to issue the agenda and papers in accordance with the Access to Information Procedure Rules then the Chairman will certify at the meeting that the matter is urgent.
- (g) The minutes of any Urgent Decision and Staffing Sub-Committee convened under this procedure shall be submitted to the next following meeting of the relevant committee or subcommittee, for information.
- (h) Where required, the Mayor's consent to the decision being taken as a matter of urgency must be noted on the record of the decision and, following the decision, the Chief Executive 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.

4.9 Decision Review Procedure Rules

1. These rules are without prejudice to the powers of any statutory officer referred to in the Articles of the Constitution in relation to decision making.
2. A decision may only be reviewed if:
 - (a) the process referred to in these rules has been followed;
 - (b) it is a decision made but not implemented by one of the following committees or their sub-committees:
 - Policy Executive Committee
 - Resources and Commercial Committee
 - Regeneration and Economic Development Committee
 - Enforcement and Public Order Committee
 - Housing and Estate Renewal Committee
 - Communities and Wellbeing Committee
 - Leisure and Environment Committee
 - Strategic Planning and Infrastructure Committeeand is not a matter being referred to Council or relating to an individual member of the Council's staff.
 - (c) one or more of the criteria set out in 5 below are met;
 - (d) the decision has not been dealt with as urgent in accordance with the Council's urgency procedures set out in Urgent Decision Procedure Rules;
 - (e) the decision has not previously been subject to the decision review process;and the Monitoring Officer determines the request for review is valid having regard to all of these rules.
3. To prevent delays to the start of the consultation process, a decision to approve a process of consultation will also be excluded from Decision Review if it is expected that at the conclusion of the consultation the matter will be subject to further consideration and decision making by the relevant body.
4. The request for review must comply with the following:
 - (a) set out the reasons why the specified decision has not met the normal requirements for decision making; and
 - (b) the reasons given should be supported by at least 14 Members of the Council, from across two or more political groups, or 20 members of the public;
 - (c) both of the above may either be in writing or by email;
 - (d) all material relevant to the request must be received by Committee and Members Services by 5pm on the fifth working day after the day on which the decision is published.

5. The criteria

The decision had not met the normal requirements for decision making if there is evidence that:

- (a) The implications had not been adequately set out or considered;
- (b) The decision does not comply with the Budget and Policies of the Council;
- (c) The decision had not been supported by a proper reason explaining why it had been taken;
- (d) The decision maker has failed to consult relevant people or bodies in contravention of defined Council policies or procedures;
- (e) The decision is contrary to a previously agreed decision made in Council, which has not been superseded by a subsequent decision, or
- (f) The decision was not taken in accordance with the principles set out in Article 11 (Decision Making) of the Constitution.

6. The decision is suspended pending consideration by the Urgent Decision and Staffing Sub-Committee. The Urgent Decision and Staffing Sub-Committee shall meet within 10 working days of the request or as soon as is practically possible thereafter. If having considered the decision, the Urgent Decision and Staffing Sub-Committee is still concerned about it, it may either refer the matter back to the Committee or to Council. The decision is further suspended pending a meeting of either of those bodies which must take place within 10 working days of the Urgent Decision and Staffing Sub-Committee or at the next scheduled meeting if not urgent. If the Urgent Decision and Staffing Sub-Committee determines no further action is necessary, the decision immediately becomes effective.

7. The options available to the Urgent Decision and Staffing Sub-Committee are:

- (a) To determine that no further action is necessary, in which case the decision immediately becomes effective;
- (b) Refer a decision back to the Committee that took that decision with reasons why the decision should be reconsidered; or
- (c) Refer a decision to the Council for consideration together with a recommendation from the Urgent Decision and Staffing Sub-Committee as to how that decision should be changed.

8. On reference back to a committee:

Having considered the advice of the Urgent Decision and Staffing Sub-Committee, the Committee may amend or reaffirm the decision they previously took.

PART 5

CODES AND PROTOCOLS

Codes and Protocols

Contents

The codes and protocols within which Members and Officers of the Council will work are as follows:

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| 5.1 | Introduction to codes and protocols | 5.1.1 |
| 5.2 | Members' Code of Conduct | 5.2.1 |
| 5.3 | Supplementary guidance for Members on gifts and hospitality | 5.3.1 |
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| 5.5 | Protocol on Member/Officer relations | 5.5.1 |
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| 5.8 | The appointment of co-opted Members (without voting rights) and related code of conduct | 5.8.1 |
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| 5.10 | Awards protocol | 5.10.1 |
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5.1 Introduction to Codes and Protocols

An effective local authority is one where Members and Officers understand their different roles and responsibilities and have an effective working relationship to ensure quality service delivery to the community. The way in which Members and Officers interact and behave is core to the ethical framework of public service.

There are established codes of conduct for both Members and Officers, some embodied in statute and others developed locally. These rules put together govern conduct and form the basis of the working relationship between Members and Officers.

The Council strives to maintain the highest possible ethical standards in order to ensure lasting public confidence in all of its activities. The various codes of conduct, protocols and procedures governing the activities of both Members and Officers have been brought together in an overarching framework as part of the Council's Constitution. Members' attention is also drawn to the implications of the Bribery Act 2010, which includes a requirement for Members to report any concerns or suspicions they may have that an act of bribery has been or may be committed, or if they are offered a bribe by way of money, gifts, assets or services

The Member Code of Conduct is embodied in statute. Many of the other codes and protocols do not have such a clear statutory basis but they build upon the Nolan Principles of Public Life and Section 28(1) of the Localism Act 2011, which is appended to the Code. These standards reinforce the basic principles of individual ethical behaviour and both Members and Officers working in partnership to serve the community at the same time as upholding the integrity, values and ideals of public service.

5.2 Members' Code of Conduct

NAME OF AUTHORITY: **BASILDON BOROUGH COUNCIL**

PART 1 GENERAL PROVISIONS

Introduction and interpretation

As a Member you are a representative of this Authority and the public will view you as such. Therefore your actions impact on how the Authority as a whole is viewed and your actions can have both positive and negative impacts on the Authority.

This Code as a whole is consistent with the "Nolan Principles" which are set out in Appendix 1 and the provisions of S29(1) Localism Act 2011.

In this Code-

"Authority" means Basildon Borough Council or one of the Borough's Local Councils (as named above)

"meeting" means any meeting of:

(a) the Authority

(b) any of the Authority's committees, sub-committees, joint committees, joint sub-committees or areas committees

whether or not the press and public are excluded from the meeting in question by virtue of a resolution of members

(d) any briefings by officers and site visits organised by the authority

"Member" includes a co-opted member (with voting rights).

1. Who does the Code apply to?

1.1 This Code applies to all Members of the Authority including co-opted members (with voting rights).

1.2 It is your responsibility to comply with the provisions of this Code.

2. What does the Code apply to?

2.1 You must comply with this Code whenever you:

(a) conduct the business of the Authority, or

(b) you are acting as a representative of the Authority.

2.2 This Code has effect in relation to your conduct in your official capacity.

- 2.3 Where you act as a representative of the Authority
- (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with the Authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

3. General obligations

- 3.1 You must treat others with respect.
- 3.2 You must uphold the law.
- 3.3 You must adhere to the procedures and protocols set out in the Authority's Constitution.
- 3.4 You must not:
- (a) do anything which may cause the Authority to breach any of the equality enactments;
 - (b) bully or harass any person;
 - (c) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Authority.

(Bullying may be characterised as: offensive, intimidating, malicious or insulting behaviour; or an abuse or misuse of power in a way that intends to undermine, humiliate criticise unfairly or injure someone. Harassment may be characterised as unwanted conduct which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual.)

- 3.5 You must not make trivial or malicious allegations against other councillors/co-opted members. These are allegations which are or which appear to be malicious, politically motivated, tit-for-tat or made with an improper motive.

4. Standards Investigations

- 4.1 You must comply with any formal standards investigation.
- 4.2 You must not intimidate or attempt to intimidate any person who is or is likely to be:
- i a complainant,
 - ii a witness, or
 - iii involved in the administration of any investigation or proceedings,

in relation to an allegation that a Member (including yourself) has failed to comply with the Authority's code of conduct.

5. Confidential Information

5.1 You must not:

- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
 - i you have the consent of a person authorised to give it;
 - ii you are required by law to do so;
 - iii the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - iv the disclosure is:
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the Authority; or
- (b) prevent another person from gaining access to information to which that person is entitled by law.

6. Conferring an advantage or disadvantage

6.1 You must:

- (a) not use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
- (b) when using or authorising the use by others of the resources of your Authority-
 - i act in accordance with the Authority's reasonable requirements;
 - ii ensure that such resources are not used improperly for political purposes (including party political purposes);
- (c) have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

PART 2 MEMBERS' INTERESTS

7. Disclosable Pecuniary Interests

- 7.1 You have a disclosable pecuniary interest in any business of the Authority if it is of a description set out in 7.2 below and is either:
- (a) An interest of yours, or
 - (b) An interest (of which you are aware) of a spouse, civil partner or a person you are living with as a spouse or civil partner (known as "Relevant Persons").
- 7.2 A disclosable pecuniary interest is an interest which relates to or is likely to affect:
- (a) Any employment, office, trade, profession or vocation carried on by you or a Relevant Person for profit or gain;
 - (b) Any payment or provision of any other financial benefit (other than from the Authority) made or provided within the relevant period in respect of any expenses incurred in carrying out your duties as a Member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992;
 - (c) Any contract for goods, services or works which has not been fully discharged between you or a Relevant Person and the Authority or a body in which you or they have a beneficial interest;
 - (d) A beneficial interest in any land in the Authority's area;
 - (e) a licence of any land in the Authority's area (alone or jointly with others) that you or a Relevant Person occupy for a month or longer;
 - (f) Any tenancy where to your knowledge (a) the landlord is the Authority and (b) the tenant is a body in which you or a Relevant Person has a beneficial interest;
 - (g) Any beneficial interest in securities of a body where:
 - i that body (to your knowledge) has a place of business or land in the area of the Authority, and
 - ii either:
 - (aa) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - (bb) the beneficial interest exceeds one hundredth of the total issued share capital of the share capital of that body, if of more than one class, the total nominal value of the shares of any one class.

8. Other Pecuniary Interests

8.1 You have an other pecuniary interest in any business of the Authority where it relates to or is likely to affect:

- (a) any person or body who employs or has appointed you;
- (b) any contract for goods, services or works made between the Authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specific in paragraph 7.2 (g) which has been fully discharged within the last 12 months;

9. Non-Pecuniary Interests

9.1 You have a non-pecuniary interest in any business of your authority where it relates or is likely to affect:

- (a) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Authority;
- (b) any body:
 - i exercising functions of a public nature; or
 - ii 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)

of which you are a member or in a position of general control or management;

- (c) the interests of any person from whom you have received a gift, benefit or hospitality with an estimated value of at least £25;
- (d) a decision in relation to that business might reasonably be regarded as affecting the wellbeing of yourself, your family, a friend or close associate to a greater extent than the majority of:
 - i (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
 - ii (in all other cases) other council tax payers, ratepayers or inhabitants of the Authority's areas.

10. Declarations of Interests at meetings (Disclosable Pecuniary Interests, Other Pecuniary Interests and Non-Pecuniary Interests)

10.1 Subject to sub-paragraphs 10.2 to 10.3, where you have a disclosable pecuniary interest, other pecuniary interest or a non-pecuniary interest in any business of the Authority and you are present at a meeting of the Authority at which the business is considered, you must declare at that meeting the existence and nature of that interest whether or not it is registered on your Register of Interests or for which you have made a pending notification.

- 10.2 Sub-paragraph 10.1 only applies where you are aware or ought reasonably to be aware of the existence of the Interest.
- 10.3 Where you have an interest in any business of your authority which would be declared at a meeting by virtue of paragraph 10.1 but by virtue of paragraph 14 (Sensitive Information) details of the interest are not registered in the Authority's published Register of Members' Interest, you need not disclose the nature of the interest to the meeting.

11. Effect of Disclosable Pecuniary Interests on participation

- 11.1 If you are present at a meeting of the Authority or of any committee, sub-committee, joint committee or joint sub-committee of the Authority and you have a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting and you are aware of that Interest:
- (a) you must not participate, or participate further, in any discussion of the matter at the meeting, or participate in any vote, or further vote, taken on the matter at the meeting, and
 - (b) you must withdraw from the room or chamber where the meeting considering the business is being held unless you have received a dispensation from the Authority's proper officer.
- 11.2 If you have a disclosable pecuniary interest in any business of the Authority you must not seek improperly to influence a decision about that business.

12. Effects of disclosure of Other Pecuniary Interests and Non-Pecuniary Interests on participation

- 12.1 If you have a pecuniary interest other than a disclosable pecuniary interest or a non-pecuniary interest in any business of the Authority which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and you are present at a meeting of the Authority at which such business is to be considered or is being considered you must:
- (a) disclose the existence and nature of the interest in accordance with paragraph 10.1 (but subject to paragraph 10.3);
 - (b) withdraw from the room or chamber where the meeting considering the business is being held unless you have received a dispensation from the Authority's proper officer, immediately after making your representations or in any other case when the business is under consideration.

PART 3 REGISTER OF MEMBERS' INTERESTS

13. Registration of Members' Interests

13.1 Subject to paragraph 14, you must, within 28 days of:

- (a) this Code being adopted by or applied to the Authority; or
- (b) your election, re-election or appointment or re-appointment to office (where that is later), or co-opted onto the Authority (with voting rights)

register in the Authority's Register of Members' Interests (maintained by the Monitoring Officer under Section 29(1) of the Localism Act 2011) details of:

i. Disclosable pecuniary interests as referred to in paragraph 7 that you, your spouse, civil partner or person with whom you live as if they were your spouse or civil partner in so far as you are aware of their interests at that time;

ii. Other pecuniary interests referred to in paragraph 8 that you have

by providing written notification to the Authority's Proper Officer.

13.2 Subject to paragraph 14, you must, within 28 days of becoming aware of:

(a) any new disclosable pecuniary interest as referred to in paragraph 6 that you, your spouses, civil partner or person with whom you live as if they were your spouse or civil partner, or other pecuniary interest referred to in paragraph 8, or

(b) change to any disclosable pecuniary interest or other pecuniary interest registered under paragraphs 13.1 i. or ii. above

register details of the new interest or change to an interest by providing written notification to the Authority's Proper Officer.

14. Sensitive Information

14.1 Where you have a disclosable pecuniary interest referred to in paragraph 7 or other pecuniary interest referred to in paragraph 8 and the nature of the interest is such that you and your Authority's Monitoring Officer consider that disclosure of details of the interest could lead to you or a person connected with you being subject to violence or intimidation if the interest is entered in the Authority's Register, then copies of the register available for inspection and any published version of the Register should not include details of the interest but may state that you have an interest details of which are withheld under s32(2) of the Localism Act 2011 and/or this paragraph.

14.2 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph 14.1 is no longer sensitive information, notify the Authority's Monitoring Officer.

14.3 In this Code “sensitive information” means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subject to violence or intimidation.

15. Register of Gifts and Hospitality

15.1 You must within 28 days of receipt, notify the Authority’s Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £25 which you have accepted as a Member from any person or body other than the Authority.

15.2 The Monitoring Officer will place your notification on a public Register of Gifts and Hospitality.

15.3 This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the Authority for this purpose.

16. Publication of Code of Conduct and Registers

16.1 The Members’ Code of Conduct and Registers of Interest and of Gifts and Hospitality will be published on the Council’s website at www.basildon.gov.uk and on individual local councils’ websites.

January 2020

CODE OF CONDUCT

APPENDIX 1

THE NOLAN PRINCIPLES AND SECTION 28(1) OF THE LOCALISM ACT 2011

The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services and state that holders of public office:

SELFLESSNESS

Should act solely in terms of the public interest.

INTEGRITY

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

OBJECTIVITY

Must act and take decisions impartially, fairly and on merit, using best evidence and without discrimination and bias.

ACCOUNTABILITY

Are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

OPENNESS

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

Should be truthful

LEADERSHIP

Should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

The following two principles are no longer contained in the principles of public life as published by the Committee for Standards in Public Life, but were adopted by the Council as part of its Code of Conduct on 28 June 2012.

RESPECT FOR OTHERS

Should promote equality by not discriminating unlawfully against any person and by treating people with respect regardless of their ethnic or national origin, age, sex (male, female), religion or belief, gender identity, sexual orientation or disability. Also to respect the impartiality and integrity of the authority's statutory officers and other employees

DUTY TO UPHOLD THE LAW

Should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them

5.3 Supplementary Guidance for Members on Gifts and Hospitality

The purpose of this supplementary guidance is to assist Members in the interpretation of the provisions of the Code of Conduct on gifts and hospitality.

In relation to gifts and hospitality, the Code of Conduct requires Members to register the receipt of gifts or hospitality with an estimated value of £25.00 or more.

In order that public confidence in the Council can be maintained it is important that Members are not seen to accept gifts or hospitality from suppliers, contractors or others that could be construed as seeking favour or gaining some benefit from the Council. The acceptance of such gifts or hospitality could give rise to allegations of a breach of the Code of Conduct to which all Members have a duty to abide. An allegation in relation to this issue will be dealt with by the Council's Joint Standards Committee.

Circumstances will, however, undoubtedly arise where it may be necessary or appropriate to accept small gifts or a degree of hospitality. Examples include:-

- (a) Bottles of wine etc., given at Christmas
- (b) Gifts sent or left anonymously
- (c) Lunches provided at business meetings
- (d) Gifts of minimal value such as calendars or diaries.

If a gift has been received or hospitality taken that exceeds the value of £25 a Member has the duty to declare this in writing on the Register of Members' Interests Form within 28 days of receipt, to the Monitoring Officer of the Council.

A Member may consider that a gift or offer of hospitality should in any event be politely rejected particularly if it is of significant value. In such circumstances the Member concerned should declare the existence of the offer to the Monitoring Officer.

In addition, Members should declare whether, and which, Officers have also attended a hospitality event, other than civic or ceremonial events.

5.4 Code of Conduct for Basildon Council Employees

The purpose of the Code of Conduct is to assist employees in understanding their duties and responsibilities as a Local Government employee. Council employees are continuously in the public eye and therefore the conduct of each employee must be second to none.

Introduction

The Committee in Public Life (Nolan Committee) has set out seven principles of public life which it believes should apply to **all** within the public service. The following are the seven principles of conduct that underpin the work of all public authorities:

- **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 declare 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 doing so.
- **Honesty** - holders of public office should be truthful.
- **Leadership** - holders of public office should exhibit these principals in their own behavior. They should actively promote and robustly support the principles and be willing to challenge poor behavior wherever it occurs.

These principles are supported within the Council's policies, procedures and processes that are outlined within this Code of Conduct.

It is not possible to cover every situation that you may face as an employee of the Council within this Code. Simply because a particular action may not have been addressed within this Code does not necessarily mean that the action is condoned. If you are in any doubt regarding this Code of Conduct, or are concerned about your personal position, you should speak to your Manager immediately.

Contents

| Number | The Guide consists of: | A related document for this exists and can be found: |
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| 1.0 | General Duties and Responsibilities | Your Terms & Conditions of Employment |
| 2.0 | External Interests | Basnet – Code of Conduct - HR & OD Homepage |
| 3.0 | Bringing the Council into disrepute | Basnet – Code of Conduct - HR & OD Homepage |
| 4.0 | Social Media | Basnet – I.T. Homepage |
| 5.0 | Register of Interests: Financial Interests, Non-Financial interests | Basnet – My applications - Modern.Gov |
| 6.0 | Appointments and Other Employment Matters | Basnet – Document Library - Constitution - HR & OD Homepage |
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| 11.0 | Complaints | Basnet – Customer Services Homepage |
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| 13.0 | Discrimination and Equal Opportunities: Equal Opportunities, Discrimination, Harassment | Basnet – Inclusion & Diversity Homepage |
| 14.0 | Gifts, Hospitality and Sponsorship | Basnet – HR & OD Homepage - Audit & Risk Homepage |
| 15.0 | Health and Safety at Work: relations with colleagues, Alcohol, drugs and substances, Smoke free Policy | Basnet – HR & OD Homepage |

| | | |
|------|--|--|
| 16.0 | Data Protection, Use of Information and Financial Resources | Basnet - Document Library - Constitution |
| 17.0 | Separation of Roles during Tendering | Basnet - Procurement Homepage |
| 18.0 | Use of Equipment and Materials | Basnet – Document Library – IT - HR & OD Homepage |
| 19.0 | Summary | |

Attachments - Appendix 1 Disciplinary Rules

Please note that you can access the Council's People Management Procedures (PMP's) and National Agreements, the 'Green Book', from the BasNet Homepage via the Council's HR&OD PMPs.

Alternatively, if you do not have access to the Council's intranet, copies of PMPs can be obtained from your Manager or a member of Human Resources.

1.0 General Rules and Responsibilities

Your duty as an employee is to serve the Council by carrying out the Council's work under the direction and guidance of your Manager. You must carry out your job to the best of your abilities. If you have to give advice to Councillors, you must give the best professional advice on all matters, and then carry out the decisions of the Council to the best of your ability.

The reputation of the Council depends largely on the conduct of its employees and what the public believes about their conduct. The public expects conduct of the highest standard, and confidence in your integrity will be undermined if there is the least suspicion that you could have been influenced in any way by any improper motive.

You will be expected, through agreed procedures, and without fear of criticism, to bring to the attention of the appropriate level of management any shortfall in the provision of services to the public. It is your responsibility to report to the appropriate Manager any inappropriate conduct or breach of procedure.

2.0 External Interests

Where you have an interest, relationship or connection in any matter or business outside of work you must ensure that this does not conflict with the business of the Council.

Whilst the Council respects and accepts that employees have private lives outside of work, if by way of your actions or conduct outside of work you attract unfavourable attention or interest, which may affect public opinion of you as a Council employee, this could impact on your employment.

You must not inappropriately use your position as a Council employee to try to influence others.

3.0 Bringing the Council into disrepute / and or conduct or behaviour that would diminish trust and confidence

The Council recognises that employees are entitled to have a private life however, it is important to note that sometimes an employee's actions within their private life, as well as their work life, may bring the Council into disrepute or cause the Council to consider whether these actions would diminish the Council's confidence in the employee's integrity whether or not these actions were made public.

This is due to the level of expectation placed upon those individuals representing the public sector. For example, where an employee is cautioned, arrested or convicted for actions within their private life, this may reflect on the employee's role within the Council or impact on their managers or colleagues' confidence or trust in them.

Employees must immediately make their Manager aware of any criminal charges or convictions, pending or otherwise, whilst working for the Council.

An Act that has **potential** to bring the Council into disrepute will be treated as **Misconduct**. An act that **does** bring the Council into disrepute will be treated as **Gross Misconduct**.

4.0 Social Media

Social media is the term commonly given to websites and online tools which allow users to interact with each other by sharing information, opinions, knowledge and interests. Social media websites include, for example, Facebook, Twitter and You Tube etc.

You are not permitted to access social media for personal use during working time.

It is important to note that if you use social media in your personal life, you must not allow this to conflict with the business of the Council or its reputation.

In short, you must be careful how you reference your work at the Council, the business of the Council or decisions made when using social media for private and/or personal so that it cannot be interpreted as controversial, or could cause argument or upset.

5.0 Register of Interests

The Council maintains a Register of Interests, where you must declare any financial or non-financial interest that could conflict with the Council's business, such as ownership of land, shares in a Company or membership of any Society or Association. You are required to declare other employment outside of the Council. Please refer to section 8, Outside Commitments.

The Basildon Borough Council Register of Officers' Interests must be completed to declare an interest via Modern.gov. If you do not have access to Modern.gov or if you have any queries regarding this, please contact your Manager who can print the form for you to complete and return to Committee & Member Services, to be recorded on the secure system.

Regular communications will be issued to remind officers in Politically Restricted Posts to ensure Modern.Gov is updated. An updated list of these posts is held by Human Resources and reference will be made in the employee's contract of employment.

The Register of Interests is a confidential document that is regularly inspected by the Chief Executive or delegated Officer to ensure compliance with Financial and Procurement legislation and to prevent any breach of this Code of Conduct or appropriate legislation.

5.1 Financial Interests

If you or a member of your family has a financial interest in a contract, which has been or may be entered into by the Council, you must declare this in writing immediately. If this happens during your normal duties, you must immediately tell your manager or, in their absence, a more senior manager in your service or a Director.

If your financial interest relates to any work that you are doing at the time, you must ask your manager to give the work to someone else. If you are at a meeting of a Committee or Sub-Committee of the Council when such a contract is to be considered, you must report your interest to the Directors representative, or the senior manager present. You must not speak on any item in which you have an interest.

5.2 Non-Financial Interests

Interests that are not financial can be just as important. You must treat these matters in the same way as a financial interest. Whenever you have any private or personal interest in any matter in which you are involved at work, you must not allow that interest in any way to influence or affect how you carry out your duties. Examples include kinship, friendship, membership of associations, societies, trade unions, trusteeships and / or any other kind of relationship which could potentially influence your judgment and give the impression that you might be acting from personal motives.

You must, in general, not take or authorise any action which could not be justified if it were made public.

If you have membership of any organisation which could conflict with your duties and responsibilities, then these must be declared in writing to your Service Director, thereby ensuring your actions are open and known.

6.0 Appointments and Other Employment Matters

If you are applying for another job within the Council, you must state on your application form whether you are related to any Member (Councillor) or employee of the Council. If you deliberately fail to give this information, and it is discovered before the interview, you will be disqualified from consideration. If this is discovered after you have been appointed, this will be treated as gross misconduct and you may be dismissed immediately without notice.

You must not ask for favoured support or treatment from any Members of the Council, either for yourself or for anyone else, in relation to any appointment within the Council. If you do this, the candidate concerned will be automatically disqualified and you may be disciplined.

If you are involved in the selection of employees, the only question that you must consider is which candidate would best serve the Council in fulfilling the duties and responsibilities of the post, in line with the Council's Recruitment and Selection Procedure. Personal or political connections or views must not influence your judgment. If someone attempts to

canvass support for any candidate you must resist this, and you must report the incident to your service Director.

If you are asked to give a reference for a colleague who is applying for a post with the Council or elsewhere, then you must make it clear that you are writing in your own personal capacity. Only Human Resources, or delegated Officers have the authority to provide employer's references on behalf of the Council.

You must not be involved in decisions relating to the discipline, promotion or pay adjustments for any other employee who is a relative, or with whom you are in a relationship.

7.0 Safeguarding Children and Adults with Care and Support Needs

Basildon Borough Council is committed to working in partnership with others to safeguard children and vulnerable people from all forms of abuse, neglect or exploitation.

Employees have a responsibility in supporting all residents to live a life free from abuse, exploitation and intimidation and must report any concerns they may have in relation to the abuse, neglect or exploitation of children and adults with care and support needs, to their manager and the Council's Safeguarding Officers.

These may be concerns or practices that they believe fall below the expected standard for dealing with these vulnerable groups. This could include abusive, inappropriate or unprofessional behaviour, which may result in the Council making a referral to the Disclosure and Barring Service (DBS) under its duty to refer. This may also result in an employee being deemed unsuitable to work in roles involving service users, who are children and / or adults with care and support needs, in the future.

If these practices involve a member of Council staff the Council's Whistleblowing Procedure should be followed.

The Council's Recruitment and Selection Procedure is in line with the Essex Safeguarding Children Board (ESCB) and Essex Safeguarding Adults Board (ESAB) recommendations which will assist with minimising the risk of appointing applicants who are unsuitable to work with vulnerable groups, i.e. children and adults with care and support needs.

All employees at the Council who occupy a position where it has been determined a satisfactory DBS is required, will be requested every 2 years to confirm their DBS status hasn't changed. This is in addition to section 2.0 of this Code of Conduct.

8.0 Outside Commitments

Employees, as part of their conditions of service, are required to obtain written approval from the Council to take any additional outside employment. If employees already have other employment commitments when they join the Council, including volunteering, they must make this known to their manager who must ensure they are fully able to undertake their contractual duties.

You must be clear about your contractual duty and must not take outside employment which conflicts with the Council's interests or that may have a connection to the Council. If you have any queries regarding this, please contact your Manager.

Employees undertaking second employment outside of the Council must also complete a Working Time Regulations document to ensure that the hours they work in total are permitted under legislation. The Council has an obligation to protect the welfare of its employees.

9.0 Political Impartiality

Both Councillors and employees have a responsibility to the Council and the public, and their responsibilities are clear.

It is vital that both the Council and the public are confident that employees will serve the Council loyally and impartially whichever political group controls the Council. You will have your own personal political opinions, however in fulfilling your duties and responsibilities as an employee of the Council, you must avoid doing anything which is influenced by your own political views or which might suggest that your actions are prompted by party political motives or preference.

If you are involved in politics within your own private time, you must not carry out any political activity in a way that might confuse the public about whether or not you are still acting as a Council employee. By law, some posts within the Council are politically restricted and this will form part of your contract of employment if this applies to you.

10.0 Relationships

Maintaining healthy and respectful relationships at work ensures an effective and productive service delivery.

10.1 Colleagues

You have a responsibility to ensure that you treat your colleagues with respect and dignity at all times. You should ensure that you do not act, behave or speak towards others in a manner which could be considered inappropriate, upsetting or offensive.

If you become aware of any inappropriate behaviour or conduct by a colleague towards another employee then you should bring this to the attention of your Line Manager or Human Resources immediately.

10.2 Members (Councillors)

If your work brings you into regular contact with Councillors, it is essential to the satisfactory working of the Council that you establish a professional and effective relationship with them. Mutual respect between Councillors and employees is essential to good local government.

It is not appropriate for employees to make direct representation to Councilors on any other matters, but instead can make representations on appropriate matters to management, who will consider and advise Council accordingly.

However, close personal familiarity between you and any individual Councillors could damage this relationship and prove embarrassing to other Councillors and employees and as such should be avoided.

10.3 Service Users

The reputation of the Council depends on how services users are dealt with by employees in their 'day to day' contact with them. You must always be courteous, helpful and efficient when dealing with their situation. You must, wherever possible, give members of the public any information that they are entitled to regarding the services and activities of the Council, doing all you can to ensure that they receive the services to which they are entitled. You must assess their need for any service, impartially and professionally. You must avoid personal prejudice in giving or refusing any service.

10.4 Contractors

You must inform the appropriate Manager of all relationships of a business or private nature that you have with external contractors. Orders and contracts must be awarded on merit, by fair competition against other tenders. No special favour must be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community must be discriminated against.

If you engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, you must immediately declare that relationship to your Manager.

11.0 Complaints

If you receive a complaint you must advise your Manager and this must be investigated as quickly as possible. The reasons for any delay, difficulties or poor quality of service should be explained. If the complaint is more serious and suggests malpractice, corruption or other impropriety, you must report this immediately to your manager or, if appropriate, a more senior manager, who will ensure that the complaint is properly and fairly investigated in line with the correct process /procedure.

12.0 The Press and the Media

You would not normally be contacted by representatives of the press or media as their enquiries will normally be dealt with by the Managing Director or delegated Managers. If you receive an enquiry from the press, which you have not been authorised to deal with, you must not deal with it. Any queries must be referred to the Marketing and Communications Team for their attention.

If you are delegated by the Managing Director to deal with enquiries from the press or media, you must deal with requests for information or questions, which relate to the facts of a situation and explain the Council's policies, activities or proposals.

Where an expression of opinion or official statement of policy is required, you must refer this to the appropriate Director for their consideration and comment. When the Directors are asked for comments by the press or media you may be required to assist them if they require any information to deal with the matter.

13.0 Discrimination and Equal Opportunities

13.1 Equal Opportunities

The Council is an equal opportunities employer and will not discriminate in employment practice or in the provision of facilities and services for the public by reference to ethnicity, disability, sex, sexual orientation, religion or belief, age, pregnancy or maternity, gender identity (transgender), marriage or civil partnership (all known as protected characteristics) colour, nationality or national origins, trade union activity, or any other unjustifiable factors. The Council has a legal duty to avoid unlawful discrimination, and this duty also applies to you as an individual as it does to all employees of the Council.

13.2 Discrimination

There must not be discrimination, either direct or indirect (indirect discrimination is where unjustifiable conditions or requirements are applied to all in any situation, but which may have an unfair effect on a person or group of people based on their protected characteristics) in which one person is treated less favourably than another, either deliberately or accidentally, for reasons set out in paragraph 13.1.

Where people are applying for employment with the Council you must make sure that there is no direct or indirect discrimination within the job description / requirements, or interviewing and selection processes. With existing employees for whom you are responsible, you must avoid any discrimination in any matter including training, promotion and discipline.

Where people are seeking the services of the Council, you must ensure that you do not refuse, or fail to provide, services on the grounds of their protected characteristics and that all services offered are of the same quality and are delivered in the same way and on the same terms.

13.3 Harassment

Harassment is commonly understood as a behavior which is intended to disturb or upset, and is recurring.

Harassment, can be defined as any repeated or unwanted comments, suggestions or physical contact that is found objectionable or offensive.

It is the responsibility of every employee of this Council to ensure that their actions cannot be construed as any form of harassment, at work and in the course of dealing with members of the public.

It is important that all employees take responsibility for eliminating any form of harassment. In certain circumstances it may be appropriate to ask the harasser to stop the offending behaviour, or for the Supervisor or Line Manager to be informed so that appropriate action can be taken. Some people may not realise that a particular joke, comment or touching in certain circumstances are offensive or unwanted simply because they remain unchallenged.

13.4 Bullying

Bullying is the misuse of power or position to persistently criticise and condemn others. A bully will openly humiliate and professionally undermine an individual's professional ability so that the person becomes fearful and their confidence is diminished.

A bully is not always going to be in a more senior role, as an employee's peer or assistant may bully a more senior employee. These unwanted acts may include verbal, non-verbal or physical actions that are often sudden, irrational, unpredictable and usually unfair.

It is the pattern of events that is crucial when determining if bullying is taking place. Bullying, however, will be consistently used, to harass and intimidate one or more individuals.

14.0 Gifts, Hospitality and Sponsorship

All gifts and hospitality offered to, or by, Council employees must be declared using the Council's Modern.Gov recording system. You must not accept personal gifts or services from any contractor, supplier or anyone else who might be seeking any benefit from the Council nor must you accept gifts from clients or service users who are under your care or supervision, unless it is in accordance with the Council's Gifts and Hospitality Procedure (PMP).

You must be aware that it is a serious criminal offence for any employee to corruptly receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity. If an allegation is made it is for the employee to demonstrate that such rewards have not been corruptly obtained. Further information is provided in the Counter Fraud Policy and supporting Strategy and guidance, which includes Bribery.

Similarly you must be very careful about accepting hospitality from any outside body. You must be able to justify acceptance of such hospitality if you are called upon to do so. You must on all occasions seek to avoid any risk of damaging the public's confidence in the Council or those it employs.

Hospitality offered as part of the process of facilitating a business meeting or external seminar / conference is usually acceptable. For example where it is agreed that you are to attend a seminar / conference or business meeting where non-alcoholic beverages and lunch is provided there is no requirement for you to register the acceptance of this hospitality.

Where the hospitality is more lavish, and may include alcoholic beverages, and / or the hospitality is provided away from the event organiser's premises, you should register the hospitality offered and received.

Where an outside Organisation wishes to sponsor or is seeking to sponsor a Council activity, whether by invitation, tender, negotiation or voluntarily, the basic rules concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

Where the Council wishes to sponsor an event or service, neither an employee or partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to the appropriate Manager of any such interest. Similarly, where the

Council through sponsorship, grant aid, financial or other means gives support in the community you must ensure that impartial advice is given and that there is no conflict of interest involved.

15.0 Health and Safety at Work

15.1 Relationships with Colleagues

You must by law take reasonable care and cooperate in all matters relating to the health and safety of yourself and of other people, including your colleagues, who may be affected by your actions or omissions at work. You must not do anything either intentionally or recklessly which might interfere with what is provided in the interests of health, safety and welfare. Nor must you undertake, or instruct others to undertake, any job in any way, which might endanger either yourself, your colleagues or any member of the public.

The identification of Health and Safety related risks within the working environment must be highlighted to your management.

15.2 Alcohol, drugs and other substances

There are certain 'exceptional and limited occasions' when you may consume a small amount of alcohol during working hours if a senior manager (Bronze level or above) permits this. For example, on the occasion of someone leaving or at Christmas time. Otherwise, you must not consume alcoholic drinks while you are on the premises or at your place of work.

You must ensure that when you are in attendance at work or carrying out your duties you are not under the influence of alcohol, illegal drugs or any substances that may affect or impair your performance, conduct or judgement.

15.3 Smoke Free Policy

The Council operates a smoke free policy, which applies in all Council establishments and within a 20 metre boundary of these establishments. This policy also incorporates all Council owned vehicles. This also applies to the use of electric cigarettes and vaping.

All smoking breaks must be agreed by your supervisor and taken using your own time.

16.0 Data protection, use of Information and Financial Resources

The General Data Protection Act (GDPR) relates to personal information and therefore affects every employee. Any employee who mis-uses, accesses or discloses personal data relating to a living individual without checking that it is to be used for an authorised purpose relevant to the Authority, may be prosecuted in a Criminal Court, as well as facing disciplinary action.

You will often have, or be in a position to obtain, information which is highly confidential. You must never pass on any information you obtain through your employment to anyone who is not entitled to have that information. This includes information about the work of the Council, members of the public who come into contact with it, or your own colleagues. It is a grave betrayal of trust to disclose such information to any unauthorised person, or to use that information for the personal advantage of yourself or someone else. Nor must you

abuse your position, if you have access to information, by using or trying to find out information which you do not need to know to enable you to carry out your duties.

Any particular information received by an employee from a Councillor which is personal to that Councillor and does not belong to the authority must not be divulged by the employee without the prior approval of that Councillor, except where such disclosure is required or sanctioned by the law.

If a request is made to share personal data, employees should always ask why the data is required, and what the potential recipient intends to do with it. If this is contrary to the disclosure policy as registered under the Data Protection Act, or an employee feels that she/he is not satisfied with the answer given, then it is the employee's duty to withhold the information and consult with the data protection officer.

This also applies to information sought by the Police, MPs and Councillors. Just because someone is a police officer or a Councillor, does not necessarily give them automatic access to any personal data which the Council may hold.

Employees should report any data security breaches to their line manager and follow the process in the Data Privacy Breach Management Procedure.

Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They must strive to ensure value for money to the local community and to avoid legal challenge to the Council.

17.0 Separation of Roles during Tendering

Employees involved in the tendering/procurement process and dealing with contractors must be clear on the separation of client and contractor roles within the Authority.

Employees in contractor or client units must exercise fairness and impartiality when dealing with customers, suppliers, other contractors and sub-contractors.

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.

Employees must ensure that no special favour is shown to current or former employees or their partners, relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

18.0 Use of Equipment and Materials

You will often have access through your job to equipment and materials, which belong to the Council. Any facilities or equipment provided by the Council for duties carried out by you are provided only for those duties and must not be used for private purposes, unless specific authority has been given or where it is a policy or an agreed procedure.

If you are given access to the Council's computer equipment to carry out your job, you must not use it for any other purpose - improper, fraudulent or malicious use is a breach of the Council rules and could lead to dismissal from the Council.

You must also make yourself aware of the Council's computer security arrangements and adhere to them at all times. The Council's ICT standards clearly set out the rules for acceptable use which employees must comply with.

Any Council vehicle must be used for authorised purposes only, and if you use a vehicle for any unauthorised purpose the Council's insurance policy will not apply to your journey, and you will be liable for any loss, damage or injury if an incident should occur. You will also be guilty of driving a motor vehicle without insurance, and this is a criminal offence.

19.0 Summary

This code sets the general standard of conduct expected of you as a Council employee. It is important to note that this guide is in no way exhaustive. If any employee has any doubt as to their conduct, actions or associations they must immediately seek guidance from their manager or a more senior manager, as to the appropriate course of action.

Further examples of conduct are outlined within the Disciplinary Rules and Procedure.

A breach of the Council's rules will be dealt with under the Council's Disciplinary Procedure.

Below is a summary of the Council's disciplinary rules. The full Disciplinary Procedure is available to employees either by direct access through the Intranet, under the Council's HR & OD homepage, or upon request, in paper format, from your manager or HR & OD.

These disciplinary rules are applicable to Basildon Borough Council employees. Employees on probation who commit any acts of misconduct will be dealt with under the Council's Recruitment & Selection, (Probation) Procedure rather than the Disciplinary Procedure.

Conduct

Poor conduct falls into two categories:

- (1) **Misconduct**, which will be investigated and which might lead to a warning under the procedure for dealing with discipline (and could eventually lead to dismissal if further incidents occur or the required improvement is not achieved), and
- (2) **Gross misconduct** which may be considered so serious that an employee may be dismissed for a first breach of discipline.

Items within Category (1) above will normally be dealt with through the procedure for dealing with discipline, which will give an opportunity for standards of conduct to be improved.

Items within Category (2) above may warrant suspension in accordance with the procedure for discipline while an investigation is being carried out. In these circumstances, the disciplinary process of issuing Improvements Notes and/or Written Warnings may be by-passed.

Examples of acts of gross misconduct may include but are not limited to the following:

- Theft, fraud (Benefit or other), misappropriation, bribery, corruption
- Physical violence or abuse, verbal or mental abuse, sexual misconduct, bullying
- Unlawful (or other) discrimination, harassment
- Deliberate and/or serious damage to property, serious misuse of the organisations property or name, causing suffering, loss, damage or injury through serious negligence
- Serious breach of ICT standards, serious acts of Computer misuse
- Serious insubordination/non compliance
- Bringing the organisation into serious disrepute
- Serious incapability at work/ on Council premises brought on by alcohol or illegal drugs
- Serious breach of Health & Safety rules
- Serious breach of trust, confidence and/or Data Protection
- Serious breach of contract, Policy, or Procedure
- Any other act of gross misconduct of a similar gravity.

Examples of acts of misconduct may include one or more of the examples within a bullet point as listed above, however that may be considered of a less serious nature. The lists are not exhaustive.

5.5 Protocol on Member/Officer Relations

Members and Officers, through working together effectively, bring the essential skills, experience and knowledge required to give appropriate overall direction and policy to the Council.

Members provide the overall policy framework and rely on Officers to contribute the professional and technical expertise needed to formulate and subsequently deliver outcomes for the community and other stakeholders.

It is therefore essential that collaborative working between Members and Officers, based on mutual trust and respect, is maintained and the purpose of this protocol is to provide a general guide to assist this aim.

The relationships between Members and Officers are varied and complex and, therefore, this protocol does not seek to be comprehensive. It is largely a written statement of current practice and convention and is designed to give greater clarity on effective working between Members and Officers.

The protocol is supplemented by the Protocol for Communications with Members which is provided to all Members and senior officers. It also builds on the respective Member and Officer Codes of Conduct, both of which are also included in Part 5 of the Constitution. Together these documents seek to promote the integrity and reputation, both real and perceived, of the Council, its Members and officers, as well as seeking to ensure very high standards of conduct.

Further advice on any matter regarding Member/Officer relations may be sought from the Council's Monitoring Officer.

1. The respective roles of Members and Officers

- 1.1 **Members** are elected as community leaders and represent the interests of the constituents within their Ward. They also have a collective responsibility to set the budget and policy framework for the Council. The various roles that Members undertake, and the skills they need to fulfil these roles, are set out in 'Councillor Role Definitions and Skills Framework' document. In any of these roles, Members are required to abide by the principles of public life (the 'Nolan Principles') that apply to anyone who works as a public office holder. These are appended to the Members' Code of Conduct.
- 1.2 **Officers** are employed to serve the whole Council and their employment is continuous without regard to the political balance of the Council. Further advice on political impartiality is given in the Officer's Code of Conduct.
- 1.3 Officers are responsible for advising Members on a wide range of issues to assist them in carrying out their various roles. They also have a duty to implement decisions of the Council, Committees and Sub-Committees provided the decision complies with the law and the Council's Constitution.
- 1.4 The Chief Executive holds the statutory position of Head of Paid Service and has full responsibility for the management of the workforce including any issues of officer conduct.

- 1.5 There are two further statutory positions within the Council, the Chief Financial (Section 151) Officer and the Monitoring Officer.
- 1.6 The officer management structure of the Council includes the Chief Executive, Deputy Chief Executive and Directors, who take lead responsibility for a defined group of service areas and are directly accountable for service delivery. This protocol applies to all Officers employed or engaged by the Council including consultants, contractors or agency staff who may liaise with Members and managers must bring it to the attention of their staff as part of their induction.

2. The relationship between Members and Officers

- 2.1 Members and Officers share the common purpose of ensuring that the Council provides effective local government to the residents of Basildon Borough. To be successful in achieving this purpose, the relationship between Members and Officers must be based on the following:
 - Mutual trust, respect and honesty between Members and Officers, based on an understanding and appreciation of the distinct role, responsibilities and contribution that each makes.
 - An acknowledgement of the scope, rights and responsibilities of the respective roles of Members and Officers as partners in the effective operation of the Council.
 - A commitment to resolve conflict between Members and Officers, should it arise, in a non-adversarial way.

(a) General aspects governing the relationship

- 2.2 A constructive working relationship between Members and Officers is critical, particularly between Committee Chairman and Senior Officers or Service Managers. However, such relationships should never become so close, or appear to be so close, as to bring into question the Officer's professionalism or integrity or ability to deal impartially with all other Members of the Council or the various party groups.
- 2.3 Officers will not be influenced by their own political beliefs in providing advice or information to Members and Members will not allow their actual or perceived knowledge of an Officer's political beliefs to affect their judgement upon any such advice provided.
- 2.4 Members and Officers will observe all of the provisions within the Council's Constitution and the basic principles laid down by statute for the operation of the Council.
- 2.5 Members must not ask any Officer(s) to act in a way that is contrary to law or any decisions made by the Council, a Committee or Sub-Committee or within the Scheme of Delegation. Members should not seek to apply any pressure on an Officer to do anything that he or she is not empowered to do, is against professional judgement or is work outside of their normal responsibilities or duties.

- 2.6 In addition, the manager is responsible for determining the work plan, priority, etc. of staff and therefore where Members have a view on this, it should only be directed to the responsible senior manager.
- 2.7 Officers have a duty to give clear unbiased advice to Members based on their professional, technical knowledge and experience. Members should not seek to influence this advice and will accept that it is given in good faith and will be in line with and reflect legislation, good practice, and current Council policies and procedures.
- 2.8 Officers will provide advice on the declaration of interests on the specific request of Members. Only the individual Member will know the exact scope of an interest and it is therefore always the personal responsibility of the Member to decide whether an interest should be declared.
- 2.9 Officers will always provide full information to which a Member is entitled upon request. Members must always respect the duty of Officers not to disclose information to which a Member is not entitled and in relation to information that is supplied, not to furnish it to a third party who, in normal circumstances, would not be entitled to that information. Further information on this is included in the Access to Information Procedure Rules included in Part 5 of the Constitution.
- 2.10 Officers must neither seek nor use any influence on individual Members to make a decision in their favour, raise a personal matter to do with their job nor to make claims or allegations about other Officers. There are formal procedures adopted to deal with officer related grievance and discipline and these are solely the responsibility of the Head of Paid Service.
- 2.11 Officers will always strive to reply to Members' correspondence, e-mails and telephone calls as soon as practicable. Certain queries require research or consultation but Officers will furnish a reply in such circumstances within 10 days. Where an ongoing issue is the subject of Member interest, Officers will make regular reports to that Member on progress. Further information is included within the Protocol on Communications with Members.

(b) Meetings

- 2.12 Members are entitled to expect clear, concise and unambiguous information from Officers at all times to assist them in the decision making process. Officers have the duty to ensure that all of the information on an issue for decision by Members is available, subject to the provisions in this protocol and the Access to Information Procedure Rules included in Part 5 of the Constitution.
- 2.13 Officers preparing reports for consideration by Committees must do so in the overall best interests of the Council and not to promote the viewpoint of a particular Member or group of Members. Members must recognise that this role is related to the responsibility of Officers to the Council as a whole through the Head of Paid Service.

- 2.15 Where a Chairman and Vice-Chairman's briefing meeting is held on the agenda items to be considered at a forthcoming committee meeting, other members of the committee may be invited by the Chairman to attend this and then the invitation must extend to all members of the committee and not just those from a particular party.
- 2.16 Members are entitled to expect Officer attendance at meetings to be at an appropriate level of knowledge and expertise to ensure full and proper advice on the subject matter under discussion is available. Officers in attendance at meetings will always be fully briefed as far as is practical on the issues under discussion on an Agenda.
- 2.17 At meetings, Members are required to take the legal, procedural, financial and professional advice given by Officers into consideration in the decision-making process.
- 2.18 When questioning Officers in meetings, Members should be mindful that Officers cannot respond to public criticism in the same way that politicians can and should thus construct their questions and remarks with care.
- 2.19 Officers will not usurp the prerogative of Members to determine policy and will work in partnership with Members to develop detailed policy options once a framework has been established. Officers will not pursue policy options that are not subject to a proper decision of the Council.
- 2.20 Officers have the duty to ensure that Committee decisions are implemented in a timely, efficient and effective manner.
- 2.21 Officers will not exceed any authority for action delegated to them within the scheme of delegation. Specific issues which are the subject of delegation following consultation with an appropriate Member will only be dealt with by an Officer's Decision Record (ODR) if both the appropriate Member and Officer are in support of the proposed action. Where this is not the case, the matter will be referred to the relevant committee or sub-committee.
- 2.22 Officers will supply to the Chairman of a specific meeting, for information purposes, an advance copy of the Minutes that are about to be published to enable comments on their accuracy. The Chairman will respond promptly to enable the minutes to be published. It is the responsibility of the Chief Executive to ensure that an adequate record is maintained of the proceedings of the Council.

3. Officer attendance and advice to party groups

- 3.1 There is statutory recognition for political party 'groups' and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such items being considered by the relevant Council decision-making body. The support provided by Officers can take many forms, ranging from a briefing meeting with a Chairman of a committee or sub-committee to a presentation to a full party group meeting.

- 3.2 Whilst in practice such Officer support is likely to be in most demand from whichever party group is, for the time being, in control of the Council, such support will be made readily available to all party groups. Where possible, briefings should be shared with other party groups to prevent duplication.
- 3.3 The parameters for support to party groups and individuals must be clearly understood, and to assist in this the following applies:
- 3.3.1 Requests for an officer to attend a party group meeting for a specific purpose should be made in writing to the Chief Executive who will determine which, if any, officer(s) should attend. Requests will be accepted in all but exceptional circumstances provided that reasonable notice is given. Only Members of the Council that form part of the political group should be in attendance at such meetings when officer advice is being provided.
- 3.3.2 Support to party groups by officers must not extend beyond providing information and advice in relation to Council business. Officers must not be involved in advising on matters of political party business and should not, therefore, be present at group meetings when such issues are being discussed. An officer may leave at any time that they feel it is no longer appropriate to be in attendance.
- 3.3.3 The attendance of Officers at a party group meeting does not confer any official standing to that meeting. Any conclusions reached at group meetings do not rank as formal decisions and cannot be interpreted or acted upon as such. Furthermore, Members must not pre-determine a matter at a group meeting but should remain open minded until the conclusion of deliberations at the formal (decision making) meeting or process.
- 3.3.4 Factual information or advice provided to party groups on an issue does not act as a substitute for also providing all the necessary information and advice to Members at formal meetings when that issue is being considered.
- 3.3.5 As required by the Officers' Code of Conduct, officers must display political impartiality in their dealings with party groups and must treat each group in a fair and even handed manner by giving substantially the same advice to each group. Officers must respect the confidentiality of discussions at a party group meeting and, unless requested to do so by that group, must not relay the content of these discussions to any other party group. This shall not prevent an officer providing feedback to other senior officers as appropriate.
- 3.3.6 An officer shall be given the opportunity to verify comments and advice attributed to them in any written record of the group meeting.
- 3.3.7 During deliberations at formal meetings, Members should not refer to officer advice or information given at a group meeting, but seek the information again during the meeting.

4. Relationships between Officers and Chairmen of Committees

- 4.1 It is inevitable that Officers will have a close working relationship with Chairmen of Committees. Such relationships should never become so close, or appear to be so close, as to bring into question the Officer's ability to deal impartially with other Members of the Council and other party groups.
- 4.2 It is good practice for Officers to discuss the scheduling of future agenda items with the relevant Member. Reports to Committees will always be submitted in the name of an Officer. In preparing a report, it will be necessary for Officers to include all relevant advice, for instance on legal compliance, financial implications and the management of risks, which needs to be taken into account by the decision making body. Officers will always be fully responsible for the contents of any report submitted in their name and Members should not seek to influence the content of the officer's report.
- 4.3 Officers will always seek to assist a Chairman to enable them to carry out their additional responsibilities effectively but must not go beyond the level of authority they have been given or be put under any pressure to do so. The relationship between any Member and Officer must not:
 - 4.3.1 Compromise the obligation of Officers to serve the whole Council.
 - 4.3.2 Be so close as to give the impression of partiality on the part of the Officer.
 - 4.3.3 Undermine the confidentiality of any discussions with the Corporate Management Team or between Senior Officers and other Members.
 - 4.3.4 Compromise the professional responsibility of Officers to advise Members that a particular course of action should not be pursued.
 - 4.3.5 Abrogate Officer responsibility for action within the scheme of delegation.
- 4.4 Officers have an obligation to keep Chairman of Committees properly informed of activity arising within their committee's specific areas of responsibility.
- 4.5 An Officer always has the option to formally consult with the appropriate Committee Chairman on the exercise of Officer delegated powers or to refer the matter for decision to the committee or sub-committee rather than exercising available Officer delegated powers.

5. Members' rights to receive information from Officers

- 5.1 Generally, Members have a legal right to receive information from Officers. This can range from a request for general information about some aspect of the Council's activities to a request for specific information on behalf of a constituent. In particular, Members should, as far as practicably possible, be kept informed of significant issues relating to the Ward that they represent.

Members' entitlement to information relating to Council business is set out in the Council's Access to Information Procedure Rules. Members have the right to expect that the provision of information and advice is given (where appropriate in accordance with legislation and this protocol) in confidence.

- 5.2 Members also have common law rights to inspect Council documents which contain material relating to any business under consideration or being transacted by the Council, under the 'need to know' principle, if access to the documents is reasonably necessary to enable them to carry out their duties as a member of the Council. Officers may ask Members to demonstrate that they have a right to access such information and, if there is any dispute between a Member and an Officer regarding access to information, then the Chief Executive will make the final determination.
- 5.3 Requests for information should be made, and subsequently dealt with, in accordance with the Council's Protocol on Communications with Members.

6. Media relations

- 6.1 The functions of the Council are discharged corporately and it is not, therefore, appropriate for public resources to be used to promote the views of individual Members. This does not preclude, in the interests of public accountability, publicity of the views of individual Members when they are authorised to represent the Council. Press releases containing comments by individual Members are similarly acceptable practice. Quotes attributable to individual Members will be approved by that Member prior to issue. Press releases are only issued by the Council through the Communications service.
- 6.2 Members may wish to issue their own press release on particular issues for their own political purposes. In doing this, Members must not use the resources of the Council.
- 6.3 When issuing their own press releases, including comments made directly or indirectly in any form of communication, including social media, Members must not include quotes of officers based on their private conversations.

7. Unresolved conflict between a Member and an Officer

- 7.1 Where there is a conflict between the Member and Officer that they cannot resolve to either's satisfaction, the matter must be referred to the Chief Executive.
- 7.2 Members have the right to criticise reports or the action taken by officers, but they should always:
 - avoid personal attacks on officers
 - ensure that any criticism is constructive and well-founded
 - ensure that such criticism is conveyed in such a way and in such a forum that it is not disrespectful or bullying of the officer. Members should be particularly careful that they do not undermine, or are not disrespectful or bullying of, officers at meetings or in any public forum, in the press or in

any form of communication, including social media. This would be damaging, both to effective working relationships and to the public image of the Council. It would also undermine the mutual trust and courtesy that is an essential element of a well run Council.

- 7.3 If an officer is concerned about the conduct of a Member, he or she should report the matter to a senior manager or the Monitoring Officer who will consider if the matter might amount to a breach of the Member Code of Conduct.
- 7.4 If a Member wishes to complain about the conduct of an Officer, he or she must only raise the matter directly with the relevant Director or the Chief Executive, who will deal with the matter in accordance with the Council's internal procedures.

8. Issues not addressed in this protocol

- 8.1 If there are any issues of concern not covered by this protocol, a Member or Officer may discuss the matter and seek advice from the Chief Executive or the Monitoring Officer.

5.6 Guidance Notes on Regulatory Matters: the Role of Members and Officers

Introduction

Members dealing with regulatory matters, such as planning, licensing, appeals and appointments, have to balance representing the needs and interests of individual constituents and the community, with the need to maintain impartial decision-making on what can be highly controversial proposals. The preparation of these guidance notes has drawn on best practice and advice from the Local Government Association. They set out guidance on the parameters of procedure and conduct expected of Members and Officers in dealing with regulatory matters. It is the spirit as much as the letter of the guidance that is important.

1. The need for guidance on the conduct of regulatory matters

- 1.1 Regulatory matters, such as planning, licensing, appeals and appointments, are not exact sciences as decisions rely on informed judgement within a firm policy context. These can be highly contentious areas because some decisions affect the daily lives of everyone and the private lives of individuals, landowners and developers. The openness of the system (which generally invites public opinion before taking decisions) and the legal nature of the decisions made mean that these matters are subject to heightened scrutiny. It is important, therefore, that the process is characterised by open and transparent decision-making.
- 1.2 In dealing with planning and licensing issues land, property and business interests could be affected and in particular the financial value of landholdings and the quality of their settings. Appointments and appeals decisions also have broad-reaching impacts. It is important, therefore, that local authorities should make decisions affecting these interests openly, impartially, with sound judgement and for justifiable reasons. The process should leave no grounds for suggesting that a decision has been in any way partial, pre-determined, biased or ill-founded.
- 1.3 The successful operation of these regulatory systems relies on mutual trust and understanding of Members' and Officers' respective roles. It also relies on Members and Officers acting in a way which is not only fair and impartial but is also clearly seen to be so.
- 1.4 Members will be provided with guidance and training on probity issues concerning regulatory matters.

2. The general role and conduct of Members and Officers

- 2.1 As detailed in the Protocol on Member/Officer Relations, Members and Officers have different, but complementary, roles. Both serve the public, but Members are responsible to their electorate whilst Officers are responsible

to the Council as a whole. Officers advise Members and the Council and carry out the Council's work. They are employed by the Council, not by individual Members, and it follows that instructions may only be given to Officers through a decision of the Council, one of its committees or sub-committees.

A successful relationship between Members and Officers can only be based upon mutual trust and understanding of each other's position.

- 2.2 Of particular relevance to Members who become involved in making regulatory decisions is the Principle of Public Life that, when acting in an official capacity, a Member should serve only the public interest and should never improperly confer an advantage or disadvantage on any person [including himself or herself].
- 2.3 The basis of the regulatory system is the consideration of private proposals in the context of wider public interests. Often, much is at stake in this process and those involved often hold strong opposing views. Whilst Members should take account of these views, they must not favour any person, company, group or locality, nor put themselves in a position where they appear to do so.
- 2.4 Members should also be very cautious about accepting gifts and hospitality. The Council's Code of Conduct for Members (referred to herein as "the Code") and supplementary guidance requires any Members who receive any gift or hospitality, in their capacity as Members, worth £25 or over, to provide written notification of the details of this gift or hospitality to the Monitoring Officer of the Council within 28 days of its receipt. These details are recorded in a register of gifts and hospitality, which is open to public inspection.
- 2.5 Members are placed under a requirement by paragraphs 3(1) and 3(3)(d) of the Code to:
 - treat others with respect; and
 - not to do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the authority.

3. Registration and declaration of interests

3.1 Registration of interests

The Localism Act 2011 and the Code place requirements on Members regarding the registration and declaration of their interests and describes the impact of those interests on the extent of the Member's participation in consideration of an issue. These requirements must be followed scrupulously and Members should review their situation regularly.

3.2 Declaration of interests

The Code uses the terms 'disclosable pecuniary' 'other pecuniary' and 'non-pecuniary' interests. Refer to the Code for the full definition of what constitutes these interests.

As set out in the Code, where you have an interest in any business of the authority and you are present at a meeting of the authority at which the business is considered, you must generally declare at that meeting the existence and nature of that interest. If it is a 'disclosable pecuniary interest' you may not participate, or participate further, in any discussion of the matter at the meeting, or vote on the matter. Instead, you must withdraw from the room immediately after making your representations or in any other case when the business is under consideration. You must also withdraw from the meeting and not participate or vote if your interest comes under the heading 'other pecuniary interest' and it is an interest which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest. Refer to the Code for full details.

4 Discussions on proposals

4.1 Discussions with the Council prior to the submission of a particular proposal can be of considerable benefit to all parties and is encouraged. However, it would be easy for such discussions to become, or to be seen to become (particularly by objectors), part of a lobbying process. Officers and Members must, therefore, ensure that:

- It is always made clear at the outset that the discussions do not bind the Council to make a particular decision and that any views expressed are personal and provisional and are given without prejudice to any ensuing decision.
- Advice is consistent and based upon relevant material considerations. There should be no significant difference of interpretation of policies amongst Officers. In addition, all Officers taking part in such discussions must make clear whether or not they are the decision-maker.
- Notes are kept on all discussions on proposals.
- Care is taken to ensure that advice is not, and is not seen to be, partial or biased; otherwise, a subsequent report could appear to be advocacy of a pre-determined position.

Further guidance in relation to major development proposals is contained in Section VII.

5. Lobby of and by Members

5.1 It is important to recognise that lobbying is a normal and perfectly proper part of the political process. Those who may be affected by a regulatory decision will often seek to influence it through an approach to their elected

Ward Member or to a Member of a regulatory Committee. As the Nolan Committee's third report states:

It is essential for the proper operation of the planning system that local concerns are adequately ventilated. The most effective and suitable way that this can be done is through the local elected representatives, the Councillors themselves.

This can be equally applied to other regulatory Committees.

- 5.2 However, unless care and common sense is exercised by all parties involved, such lobbying can lead to the impartiality and integrity of a Member being called into question. When being lobbied, Members should take care about expressing an opinion that may give the impression that they have already made up their mind on the issue before they have seen and heard all the evidence and arguments. In such situations, they may wish to restrict themselves to giving procedural advice, including suggesting that those who are lobbying speak or write to the relevant Officer, so that their opinions can be included in the Officer's report to the Committee. However, it is recognised that Members may have strong opinions on a matter on which they may be called upon to make a decision, and it is legitimate for a Member to be predisposed towards a certain viewpoint. Indeed they may have campaigned on that issue in the past, for example when seeking election. Therefore, if Members do express an opinion prior to a matter being determined at Committee, they should make it clear that they will only be in a position to take a final decision after having heard all the relevant evidence and arguments at Committee. If a Member has been lobbied prior to the decision being made, the Member must declare this to the meeting prior to consideration of the matter. This does not prevent the Member from participating in the debate or the vote provided they have not already signalled their intentions on how they will vote and do not have any disclosable pecuniary interest.
- 5.3 When expressing opinions, Members need to take account of the general public's (and the Ombudsman's) expectation that regulatory matters will be processed, considered, and determined in an open and fair manner. This means that Members taking the decision will consider all the evidence presented before arriving at a decision. Members should understand that committing themselves one way or another before hearing all the arguments makes them vulnerable to an accusation of partiality, pre-determination or bias. Determining regulatory matters is a formal administrative process involving rules of procedure, rights of appeal, and an expectation that people will act, and be treated, reasonably and fairly.
- 5.4 A Member of a Regulatory Committee who represents a ward affected by a particular issue is in a difficult position if the matter is a controversial one attracting significant lobbying.
- 5.5 If the Member expresses their predisposed view or responds to lobbying by going public in support of, or actively campaigning for, a particular outcome in such a way that he or she gives the impression that their mind is made up on the matter and nothing would cause them to re-consider their position, a

fair-minded and informed observer may conclude that the Member had pre-determined the matter before it was discussed at committee. After the committee meeting, he or she would find it difficult to make a convincing argument that they had had an open mind on the matter and had carefully weighed the arguments presented at the meeting before the committee had reached a decision. Whilst in most circumstances this activity would not amount to a prejudicial interest in terms of the Code of Conduct, the proper course of action for such a Member in a regulatory context would be to make an open declaration and make a contribution in accordance with paragraph 3.2 of this guidance before leaving the meeting room during consideration of the matter. The Member must also not seek to improperly influence a decision about that matter.

- 5.6 Members who are either interested parties themselves or have been asked specifically by an interested party to represent them may make a representation. An "interested party" is a person or body directly affected by a particular matter. Members in this position must also consider whether they have an interest that requires them to make a declaration and deal with any contribution in accordance with paragraph 3.2 of this guidance.
- 5.7 It is impossible to describe every nuance of these situations and difficult to strike the right balance between the duty to be an active local representative and the requirement, when taking decisions on regulatory matters, to take account of all arguments in an open-minded way. It cannot be stressed enough, however, that striking this balance is ultimately the individual Member's responsibility.
- 5.8 The following points should be borne in mind:
- Given that a decision on a regulatory issue cannot be made before the regulatory committee meeting, when all available information is to hand and has been duly considered, any political group meeting prior to the Committee meeting should not be used to decide how Members should vote. The view of the Ombudsman in the past has been that the use of political whips to influence the outcome of a planning application in particular could amount to maladministration. This view should be applied to all regulatory matters and Members should conduct themselves accordingly.
 - Members should, in general, avoid organising support for or against a particular regulatory matter and avoid lobbying other Members. Such actions can easily be misinterpreted by parties to the application and by the general public as evidence of Council bias.
 - Members should not put improper pressure on Officers to make a particular recommendation and, as required by the Code, should not do anything which compromises, or is likely to compromise, their impartiality. Members should also take care that their conduct does not give the appearance of compromising their impartiality.

- Members should also bear in mind Section 25 of the Localism Act 2011 which came into effect on 12 January 2012. This section does not seek to abolish the common law rule against pre-determination, but to clarify how it applies to Councillors. Its intention is to make it clear that if a Councillor has given a view on an issue, this does not show that the Councillor has a closed mind on that issue. Therefore, if a Councillor has campaigned on an issue or made public statements about their approach to an item of Council business, he or she may still be able to participate in the discussion of an issue in the Council and to vote on it if it arises in an item of Council business requiring a decision. Where a Member has made a statement that is on the borderline between legitimate predisposition and unlawful pre-determination, they will therefore have greater scope to take a less cautious view when considering whether they should participate in a regulatory meeting. The overriding factor remains that a Member should be able to demonstrate that they do not have a closed mind at the point of making a decision.

5.9 Members who are unsure as to whether an interest should be declared should seek the advice of the Council's Monitoring Officer. As indicated above, however, the final decision rests with the Member.

5.10 To summarise the issues surrounding lobbying:

- Take care when expressing an opinion on regulatory matters – it could be construed to mean that you have already made up your mind.
- Members of a regulatory committee may wish to restrict themselves to giving procedural advice and refer those who are lobbying to the relevant Officer.
- Unlawful pre-determination needs to be distinguished from legitimate predisposition. A Member is quite entitled to express a degree of general support for, or opposition to, a particular outcome provided he or she makes it clear that they do not have a closed mind and they will only be in a position to take a final decision after having heard all the relevant evidence and arguments at Committee. S.25 of the Localism Act 2011 recognises this distinction and enables a Member who has made a statement on their strong disposition towards a particular outcome to take a less cautious view when considering their participation in a regulatory meeting
- In general, Members may wish to avoid organising support for or against a regulatory matter as such actions can easily be construed as bias or evidence that the Member has made up their mind on the issue.
- Members should not put improper pressure on Officers to make a particular recommendation.
- A decision on a regulatory matter cannot occur before the Committee meeting when all available information is to hand.

- Any group meeting prior to the Committee meeting should not be used to decide how Members should vote – the Ombudsman may view this as maladministration.
- If a Member of a regulatory committee has been lobbied prior to decision then they should declare it at Committee. This does not prevent the Member from participating in the debate or the vote provided they have not already signalled their intentions and do not have a personal and prejudicial interest.
- If the Member does commit themselves one way or another before hearing all the arguments, they must declare this in Committee and withdraw from the vote.

MODEL LETTER FROM MEMBERS TO LOBBYISTS

Dear Mr/Mrs. etc.

(nature of regulatory matter)

Thank you for your letter of.....drawing my attention to.....

As this application/matter may fall to be considered by the [Name of Regulatory Committee], of which I am a member, you will appreciate that I cannot at this stage make any comment.

However, I have passed a copy of your letter to the [Title of Responsible Officer] to ensure that your views are fully taken into account before a report on the application/matter is prepared.

Yours sincerely,

Councillor.....

6. Officer reports to committee

6.1 The Council has a statutory duty under Section 54a of the Town & Country Planning Act 1990 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise. The good practice procedures applicable to determining planning applications are also relevant in other regulatory matters. Accordingly:

- Reports should be accurate and should cover, amongst other things, the substance of any objections and the views of those consulted.
- Relevant information should include a clear exposition of all material considerations.

- Reports should have a written recommendation of action; oral reporting (except to update a report) should be avoided and carefully recorded when it does occur.
- Reports should contain technical appraisals that clearly justify a recommendation.
- If the report's recommendation is contrary to the agreed policies or plans, the material considerations that justify the departure must be clearly stated.

7. Public speaking at committees dealing with regulatory matters

7.1 Basildon Borough Council provides appropriate opportunities for the public to speak at certain meetings. To ensure smooth transaction of the business at the meeting and afford equality of opportunity to those wishing to address the meeting on any matter under consideration, it is important that clear protocols are established prior to the commencement of the meeting as to who, if anyone, is allowed to speak. In addition, in the interests of equity, the time allowed for presentations should be identical. Public participation is at the discretion of the Chairman of the meeting.

8. Decisions contrary to Officer recommendations

- 8.1 Decisions should be taken in accordance with agreed policies and plans, unless material considerations indicate otherwise.
- 8.2 If the Committee makes a decision contrary to the Officers' recommendation, a detailed minute of the Committee's reasons should be made and a copy placed on the appropriate file. The Officer should also be given an opportunity to explain the implications of the contrary decision. The courts have expressed the view that such reasons should be clear and convincing.
- 8.3 Advice will always be available at meetings to ensure that procedures have been properly followed.

9. Committee site visits

9.1 Site visits are generally unnecessary. The lack of a common approach on when and why to hold a site visit and how to conduct it can leave a Council open to the accusation that such visits are, at best, arbitrary and unfair and, at worst, a covert lobbying device. This can leave the Council open to accusations of bias in deciding on regulatory matters. The need for and conduct of a site visit should be carefully considered and managed. Accordingly, when deciding on the need to visit a particular site prior to the determination of a regulatory matter, and in conducting a site visit if one is necessary, the following guidelines should be considered:

- Site visits can cause delay and additional costs and should only be used where the expected benefit is substantial.

- Be clear about what you want and expect to get from the site visit before agreeing to one.
- Site visits should be carefully organised to ensure that the purpose, format and conduct are clearly established at the outset and subsequently adhered to throughout the visit.
- Site visits may be requested by a Ward Member, although the test of substantial benefit should still apply. It is also good practice to keep a record of the reasons why a site visit is called.
- A site visit is only likely to be necessary if:
 - the impact of an issue is difficult to visualise from a written description, plans, and any supporting material.
 - there is a good reason why the comments of an applicant or objectors cannot be expressed adequately in writing, or the proposal is particularly contentious.
- Site visits consisting simply of an inspection by a viewing committee, with Officer assistance, is in most cases the most fair and equitable approach as between applicant and objectors.
- Such an inspection could be unaccompanied (i.e. without applicant and objectors) or, if accompanied, run on strict accepted lines such as those of a Planning Inspector's site inspection.
- The purpose of a site visit is to gather information and improve understanding of an issue – it is neither the forum for debate nor the venue for the decision.
- Applicants and objectors (understandably) can be keen to lobby Members on site – let Officers lead the visit so that Members remain one step removed and are able to concentrate on information gathering.
- Feel free to ask questions, but do not get involved in discussions about the merits/demerits of the matter.
- Avoid making comments or statements that could be misconstrued or misinterpreted as evidencing bias or that a decision has already been made.
- On-site, try to keep together as a Committee – that way all parties can be sure that each Member has had an opportunity to see the same things from the same place.
- Whenever possible, arrive on-site on time and together – Members arriving early and on their own are prey to lobbying.
- If you cannot attend or will be late, let Officers or a fellow Member know.

10. Regular review of decisions

- 10.1 Members should regularly revisit samples of implemented regulatory decisions to assess the quality of the decisions. Such reviews should improve the quality and consistency of decision-making.
- 10.2 Such reviews are best undertaken at least annually and should include examples from a broad range of categories.

11. Regulatory matters involving Members and Officers; and the Council's own development

- 11.1 Regulatory issues involving serving and former Members and Officers and their close friends and relatives to their own authority can easily give rise to suspicions of impropriety, as can proposals for the Council's own development.
- 11.2 It is perfectly legitimate for such proposals to be submitted. However it is vital to ensure that they are handled in a way that gives no grounds for accusations of favouritism. Accordingly, the following points should be noted:
- serving Members who act as agents for people pursuing regulatory issues within Basildon Borough Council should play no part in the decision-making process for those proposals. Similarly, if they submit their own proposal to the Council they should play no part in processing the proposal
 - serving Members must, when they submit a proposal, attach a written declaration that the proposal is submitted by a serving Member
 - such proposals must be separately identified and recorded
 - the Monitoring Officer will be informed of such proposals
 - proposals shall be reported to Committee as a main agenda item and not dealt with under delegated powers
- 11.3 Proposals for the Council's own development will be treated in the same way as private developers in accordance with Circular 19/92 (DoE) particularly in relation to Officers' advice.
- 11.4 The consideration of a proposal from a Member or his or her close friends or relatives in such circumstances would be considered as a personal and prejudicial interest and, as such, the Member should withdraw from any consideration of the matter. If the public are allowed to speak, the Member will be permitted to remain only for the purposes of making representations, answering questions or giving evidence. A Member in this situation should not seek to improperly influence a decision about the matter.

12. Complaints and record keeping

- 12.1 Files on every regulatory matter should contain an accurate account of events throughout its life. It should be possible for someone not involved in that matter to understand what decision was made, and why and how the decision was reached. Particular care needs to be taken with matters determined under Officers' delegated powers, where there is no report to a Committee. Such decisions should be as well-documented and recorded as those taken by Members.
- 12.2 Complaints relating to regulatory issues could be to the Ombudsman, through the Council's own complaints procedure or, if a complaint relates to the conduct of an individual Member in accordance with the current processes and procedures governing such complaints.

5.7 Protocol Relating to Major and Sensitive Development Matters

Background:

It is essential that the Council acts in a fair and consistent manner in their dealings with all developers and potential developer partners, particularly in the provision of clear advice without showing either favour or prejudice. The procurement of development partners is particularly tied to rules and strict processes to which the Council must adhere. The financial and reputational risks of not doing so are considerable.

This guidance note is designed to ensure the protection of the reputation of the Council in dealing with major and sensitive development and the integrity of Members as decision makers and setters of policy. Leading Members will inevitably meet developers and development partners at events they attend and may at times discuss the policies and aspirations of the Council for certain areas of the Borough. This interaction is very much part of the work of leading Members and the protocol governing formal contacts and negotiations would not apply to such informal contacts. Any substantive discussions on specific proposals would need to be avoided at informal events and be dealt with in accordance with this guidance note and the Member Code of Conduct.

The existence of a guidance note does not in any way cast doubt on Officers or Members integrity to appropriately deal with developer contacts. The guidance is one way to demonstrate that contacts with developers are clearly open and adhere to appropriate processes and procedures.

The existing codes of conduct for Members and Officers govern overall behaviours and this guidance adds more detail as to how developer contacts should be dealt with in accordance with the codes. The procedures are not intended to overly restrict Member activity in meeting with developers but establish the ground rules for such contacts.

Codes of Conduct place considerable trust in Members and Officers to ensure that integrity is maintained and reputation is upheld. Within these guidelines Members and Officers will necessarily make their own judgements and decisions on their actions. In doing so, there may be times when Members and Officers are called upon to account for their actions and any related perceptions that may arise to the community at large.

Overarching principles of developer contacts

Officers should be the primary contact for developers or organisations interested in development or regeneration opportunities within the Borough. If a primary formal contact is made with Members, this should be referred to the appropriate Director.

Members should not meet with developers without Officer support to discuss specific or substantive issues concerning development or regeneration proposals. This is particularly relevant in the following circumstances:-

- a primary contact concerning development or regeneration opportunity
- where a proposed development is under discussion as to its form
- once a formal planning application has been submitted
- detailed negotiations relating to a proposed Section 106 agreement, or

- where a development may be unacceptable in planning terms (including following the refusal of planning permission) but could be the subject of discussions.

Members have a significant role to play in influencing and determining policy and the general direction of development proposals. Ensuring this message is well known to interested developers can be achieved informally at conferences and other events but more formal discussions on specific proposals must be carried out openly and with Officer support.

It is not appropriate for Members to formally meet privately with developers to discuss specific proposals as this opens Members to accusations of inappropriate behaviour. These in turn could affect the Council's reputation that is so important where significant investment decisions with multi national companies engaged in regeneration are concerned.

Members of the Council's Committee that determines planning applications should avoid contact with potential developers or organisations interested in regeneration activities due to potential conflict with their decision-making role. The exception would be attendance at specific meetings designed to provide background information to Members of the committee on particular proposals. Such meetings will be arranged by Officers, who will also attend. This is in addition to any pre-organised site visits held within the procedures set down in the existing Guidance Notes on Regulatory Matters: The Role of Members and Officers.

Members will be kept informed by Officers of all contacts with developers and organisations interested in regeneration opportunities to maintain mutual understanding of current development potential. This enables early consideration of development and policy options by Members as they arise.

Any gifts or hospitality offered or provided to Members and Officers must be considered in the context of the current guidelines and if accepted registered in accordance with the Council's procedures.

5.8 The Appointment of Co-opted Members (without voting rights) and Related Code of Conduct

N.B. Unless otherwise specified, the term 'co-opted members' in this guidance note refers to co-opted members (without voting rights) and, with the exception of the section on Eligibility, also to Independent Persons on the Joint Standards Committee and the Independent Member on the Audit and Risk Committee.

Co-opted members may be appointed to certain formal committees of the Council as set out in this Constitution. A formal committee is defined as one which is convened to meet in the manner prescribed by law to enable Councillors (sometimes with co-opted members) to transact local authority business with the object of reaching a decision – or formulating recommendations as a basis for decisions – that are intended to commit the authority as a whole). The appointment of co-opted members to committees is determined by Council.

Eligibility

1. During the whole of the previous 12 months prior to appointment, a co-opted member should have:-
 - (a) owned or occupied land or premises in the Basildon Borough Council area; or
 - (b) have had a principal or only place of work in the Basildon Borough Council area; or
 - (c) resided in the Basildon Borough Council area.
2. No serving employee of Basildon Borough Council is eligible for appointment as a co-opted member.
3. Certain local authority posts are "politically restricted". This means that people in those posts cannot take part in certain political activities, including speaking in public in a manner which appears to be designed to affect public support for a political party. Any potential co-opted member who works for any local authority should ascertain whether their post is politically restricted before accepting the role of co-opted member.

Code of conduct

All elected Members of the Council are obliged to agree to abide by the Council's Code of Conduct, the provisions of which are set down in a statutory order. The Council's Code of Conduct also applies to all co-opted members (with voting rights) and is used as the basis for this Code of Conduct for co-opted members (without voting rights). Bearing in mind the importance of maintaining standards of conduct, co-opted members will be obliged to

agree to abide by this Code upon appointment. There is no requirement for co-opted members (without voting rights) to register interests in the same ways as elected Members or co-opted members (with voting rights).

1. General Provisions

- 1.1 A co-opted member must observe this code of conduct whenever involved in the business of the Council or acting, claiming to act or giving the impression that they are acting as a representative of the Council.

This code of conduct shall not have effect in relation to the activities of a co-opted member undertaken other than in an official capacity.

- 1.2 Where applicable, a co-opted member must adhere to the procedures and protocols set out in the Council's Constitution.

- 1.3 As a co-opted member:

(a) You must treat others with respect.

(b) You must not:

- (i) do anything which may cause the authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006 (a));
- (ii) bully or harass any person;
- (iii) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the authority.

(Bullying may be characterised as: offensive, intimidating, malicious or insulting behaviour; or an abuse or misuse of power in a way that intends to undermine, humiliate criticise unfairly or injure someone. Harassment may be characterised as unwanted conduct which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual.)

- 1.4 You must not make trivial or malicious allegations against other councillors/co-opted members. These are allegations which are or which appear to be malicious, politically motivated, tit-for-tat or made with an improper motive.

- 1.5 You must comply with any formal standards investigation.

- 1.6 You must not intimidate or attempt to intimidate any person who is or is likely to be

- i a complainant,
- ii a witness, or
- iii involved in the administration of any investigation or proceedings,

in relation to an allegation that a Member (including yourself) has failed to comply with this code of conduct.

- 1.7 You must not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
- (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purposes of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is:
 - reasonable in the public interest, and
 - made in good faith and in compliance with the reasonable requirements of the authority
- (d) You must not prevent another person from gaining access to information to which that person is entitled by law.
- 1.8 A co-opted member must not in any official capacity, conduct themselves in a manner, which could reasonably be regarded as bringing their appointment or the Council into disrepute.
- 1.9 A co-opted member must not in any official capacity use this position improperly to secure for themselves or any other person, an advantage or disadvantage.
- 1.10 A co-opted member must, if they become aware of any conduct by another co-opted member or member of the Council which is reasonably believed to involve a failure to comply with this or the Members' Code of Conduct, make a written allegation to that effect to the Joint Standards Committee as soon as it is practicable.

2. Disclosable Pecuniary Interests

- 2.1 As a co-opted member, you have a disclosable pecuniary interest in any business of committee of which they are a co-opted member if it is of a description set out in 2.2 below and is either:
- (a) An interest of yours
 - (b) An interest of your spouse
 - (c) An interest of your civil partner
 - (d) An interest of a person you are living with as a spouse or civil partner

and in the case of paragraphs 2.1 (b) – 2.1 (c) you are aware that that other person has the interest

2.2 “Disclosable pecuniary interests” are defined by The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows:

| Subject | Prescribed description |
|---|---|
| Employment, office, trade, profession or vocation | Any employment, office, trade, profession or vocation carried on for profit or gain. |
| Sponsorship | Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992 |
| Contracts | Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority: (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged. |
| Land | Any beneficial interest in land which is within the area of the relevant authority. |
| Licences | Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer. |
| Corporate tenancies | Any tenancy where (to M’s knowledge): (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest. |
| Securities | Any beneficial interest in securities of a body where: (a) that body (to M’s knowledge) has a place of business or land in the area of the relevant authority; and (b) either: (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total 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 relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class. |

3. Other Pecuniary Interests

- 3.1 You have a pecuniary interest in any business of the committee of which you are a co-opted member where either it relates to or is likely to affect:
- (i) any employment or business carried on by you;
 - (ii) any person or body who employs or has appointed you;
 - (iii) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
 - (iv) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
 - (v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specific in paragraph (iv);
 - (vi) any land in your authority's area in which you have a beneficial interest;
 - (vii) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (iv) is, the tenant;
 - (viii) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
 - (ix) a decision in relation to that business might reasonably be regarded as affecting your financial position or the financial position of a relevant person to a greater extent than the majority of:
 - (1) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;
 - (2) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area

4. Non-Pecuniary Interests

- 4.1 You have a non-pecuniary interest in any business of the committee of which you are a co-opted member where either it relates to or is likely to affect:

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

of which you are a member or in a position of general control or management;
- (iii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
- (iv) a decision in relation to that business might reasonably be regarded as affecting your wellbeing or the wellbeing of a relevant person to a greater extent than the majority of:
 - (a) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
 - (b) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's areas.

5. "Relevant Persons"

5.1 For the purposes of paragraphs 3.1(ix) and 4.1(iv) a relevant person is:

- (a) A member of your family or any person with whom you have a close association;
- (b) Any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company or which they are directors;
- (c) Any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000;
- (d) Any body of which such persons are a member or in a position of general control or management and to which you are appointed or nominated by your authority; or

- (e) Any body of a type described in paragraph 4.1(i) and (ii) of which such persons are members or in a position of general control or management.

6. Declarations of interests at meetings

- 6.1 Subject to sub-paragraphs 6.2 to 6.3, where you have a disclosable pecuniary interest, any other pecuniary interest or a non-pecuniary interest in any business of the committee of which you are a co-opted member and you are present at a meeting of the committee at which the business is considered, you must declare at that meeting the existence and nature of that interest.
- 6.2 Sub-paragraph 6.1 only applies where you are aware or ought reasonably to be aware of the existence of the interest.
- 6.3 Where you have an interest in any business of the committee of which you are a co-opted member which would be declared at a meeting by virtue of paragraph 6.1 but details of the interest are sensitive and you would not wish to disclose it, you should seek the advice of the authority's proper officer.

7. Disclosure of interests generally

- 7.1 Subject to sub-paragraph 7.2 where you have a pecuniary interest in any business of the committee of which you are a co-opted member you also have a disclosable pecuniary interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgment in the public interest.
- 7.2 You do not have a disclosable pecuniary interest in any business of the committee of which you are a co-opted member where that business:
 - a. does not affect your financial position or the financial position of a person or body described in paragraph 4.1 (i) and (ii);
 - b. does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 4.1 (i) and (ii); or
 - c. relates to the functions of your authority in respect of:
 - i. housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - ii. school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;

- iii. statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- iv. an allowance, payment or indemnity given to members:
- v. any ceremonial honour given to members; and
- vi. setting council tax or a precept under the Local Government Finance Act 1992.

8. Effect of Disclosable Pecuniary Interests on participation

8.1 You may not:

- (i) if present at a meeting of the authority or of any committee, sub-committee, joint committee or joint sub-committee of the authority; and
- (ii) you have a Disclosable Pecuniary Interest in any matter to be considered, or being considered, at the meeting; and
- (iii) you are aware that sub-paragraph 8.1(ii) is met:

participate, or participate further, in any discussion of the matter at the meeting, and must withdraw from the room or chamber where the meeting considering the business is being held unless you have received a dispensation from the authority's proper officer, immediately after making your representations or in any other case when the business is under consideration.

- (iv) seek improperly to influence a decision about that business.

9. Effects of disclosure of Other Pecuniary Interests and Non-Pecuniary Interests on participation

9.1 If you have a pecuniary interest other than a disclosable pecuniary interest or a non-pecuniary interest in any business of the committee of which you are a co-opted member which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest you must:

- (i) Disclose the existence and nature of the interest in accordance with paragraph 6.1 (but subject to paragraph 6.3).
- (ii) Withdraw from the room or chamber where the meeting considering the business is being held unless you have received a dispensation from your authority's proper officer, immediately after making your representations or in any other case when the business is under consideration.

Procedure at meetings

At meetings, the Chairman will introduce each item and ask Council Officers to present the report before it is discussed by the Members. He/she will then invite other Members and co-opted members to speak in turn, if they so wish, and may seek professional advice from the officers before summarising the debate and asking the committee to make its decision.

The meeting is open to members of the public, who are able to observe the proceedings and, at the discretion of the Chairman, may be able to put their views on the subjects under discussion.

Co-opted members have a right to speak on all items, but like Members must indicate to the Chairman that they wish to do so. The Chairman will then invite them to speak at the appropriate time. If a decision is required on the matter under consideration, the only committee members who may vote are elected Members and co-opted members (with voting rights). The front page of the Agenda for the meeting will state, under 'Membership' if the co-opted members of the committee have voting rights or not.

Confidential information and Part II items

There are occasions when the public and press are excluded from a meeting during discussion of a particular item, due to the confidential nature of that item. Co-opted members sit on committees at the discretion of the Council and may, therefore, be excluded from the meetings during consideration of these confidential items (known as Part II items) if it is felt appropriate in the specific circumstances. Also, if the written items on the agenda, or papers accompanying the agenda, are felt to be sensitive, this may legitimately be withheld from the co-opted members.

Co-opted members, like elected Members, have a duty not to disclose or use confidential information made available to them in agendas.

Duration and termination of appointments as co-opted members

Co-opted members would normally be appointed annually at the first meeting of a Committee or at the Annual Council meeting. If a co-opted member fails to attend a meeting of their committee for a period of six months, the appointment will automatically be terminated and the committee will be free to make a fresh appointment to the position.

Agenda items and motions

Co-opted members may suggest items to the Chairman and Vice-Chairman of the Committee for discussion. Items will appear at their discretion and the following guidelines will apply:

- Items must be in writing and must include adequate information to support the request; a line item is not sufficient.
- Agenda items should be identified at least 14 days prior to publication of the Agenda. A copy of the item in its final form must be provided to Committee and Member Services 7 clear working days before the Agenda publication deadline. The Local Government (Access to Information) Act 1985 dictates that only items

included on the Agenda can be discussed at meetings, unless the Chairman considers that, by reason of special circumstances, an item is a matter of urgency, which should be considered.

- Items from all sources should be of a collective or community nature which impact on a significant area and not relate to an individual.

5.9 Civic Protocol

1. Introduction

The Essex County Council, the Basildon Borough Council, and the Local Councils within the Basildon Borough area, are separate and distinct corporate local government bodies. The County and Borough Councils are principal authorities responsible for a wide range of functions.

2. Protocol

Inevitably, senior and prominent Members of County, Borough and Local Councils find themselves on a regular basis involved in civic, social, and ceremonial events. Clear rules of protocol help to minimise any unnecessary misunderstanding which may arise from time to time.

So far as civic protocol is concerned, the Local Government Act 1972 provides at Section 3(4) that the Chairman of a Borough Council shall have precedence after the Sovereign over all others within his Borough, but not so as prejudicially to affect the Royal prerogative. For matters of civic ceremonial in the County of Essex, therefore, this places the Chairmen and Mayors of the twelve District and Borough Councils within the County on the same level in terms of having precedence over all others including the Chairman of the Essex County Council, within their Boroughs.

It is expressly laid down by statute (31 Henry VIII c10) that the determination of precedence is a matter for the Royal prerogative and the provision in the Local Government Act 1972 may be varied by the exercise of the Royal prerogative, or any specific wish made on behalf of a Royal person involved with a particular service or ceremony within a Borough.

Before the creation in Tudor times of the office of Lord Lieutenant the High Sheriff was the Sovereign's sole representative in a County and took precedence over all others. A Royal Warrant of 1904 finally settled a long running dispute over precedence between the High Sheriffs and Lords Lieutenant in favour of the latter.

3. Precedence

(a) Royal Visits

- (i) In respect of Royal Visits to the Basildon Borough there will be liaison as to procedure and protocol, etc. between the Chief Executive of the Basildon Borough Council and the Lieutenancy of Essex but subject to the Royal wish the following notes are offered for guidance.
- (ii) Where a Royal visit is made to the Basildon Borough in connection with a purely Borough matter, the Mayor of Basildon Borough Council shall take precedence and the order of presentation by the Lord Lieutenant to the Royal visitors will normally be:

- Lord Lieutenant's spouse
- High Sheriff and spouse
- Mayor of the Borough Council and spouse
- Borough Chief Executive and spouse
- Chairman of the County Council and spouse
- County Chief Executive and spouse
- Member of Parliament and spouse
- Chief Constable and spouse

After these presentations the Lord Lieutenant will present the principal organiser of the event to which the visit is being made and other necessary presentations may be deputed to the organiser.

- (iii) Her Majesty has made it clear that in exercise of the Royal prerogative, and notwithstanding section 3(4) of the Local Government Act 1972, on other official Royal visits, the order of precedence should place the Chairman of the County Council before the Mayor of the Borough Council. On such an occasion the order of presentation by the Lord Lieutenant to the Royal visitor will normally be:

- Lord Lieutenant's spouse
- High Sheriff and spouse
- Chairman of the County Council and spouse
- County Chief Executive and spouse
- Mayor of the Borough Council and spouse
- Borough Chief Executive and spouse
- Member of Parliament and spouse
- Chief Constable and spouse
- etc.

Her Majesty the Queen has ruled that these arrangements should apply also to official visits made by those members of the Royal Family styled His or Her Royal Highness, and their spouses.

(b) **Events within the Basildon Borough hosted by the Basildon Borough Council**

At such events provided that there is no Royal personage present, the Mayor of the Basildon Borough Council shall take precedence over all other persons present.

(c) **Other events within the Basildon Borough**

If the Mayor of the Basildon Borough Council is present in an official capacity at functions not organised or hosted by the Basildon Borough Council, then provided that no Royal personage is present, the Mayor of the Basildon Borough Council is entitled to be afforded precedence over all other persons present. Normally, however, the Mayor of the Basildon Borough Council, will be pleased to afford precedence in respect of events not organised by the Basildon Borough Council to the Chairman of the Essex County Council if he is present. The order of precedence will, therefore, be the Chairman of the County Council followed by the Mayor of the Borough Council. For the avoidance of doubt, organisers of such events should liaise with the Chief Executive of the Basildon Borough Council regarding matters of precedence.

(d) **Church services and processions**

The number of civic dignitaries attending such a Service will be dependent on the nature of the Service but if the Mayor of the Borough Council is present he or she shall be afforded precedence in accordance with paragraph 3(c) above. In relation to Services organised for or on behalf of the Basildon Borough Council the following order of precedence shall apply:

- Mayor of the Basildon Borough Council
- Chief Executive
- Deputy Mayor of the Basildon Borough Council
- Leader of Basildon Borough Council
- Deputy Leader of Basildon Borough Council
- Other Group Leader(s)
- Other Members
- Chief Officers

Such order of precedence will be recognised in any seating arrangements within the Church. In respect of processions on entering the Church the above order of precedence will be recognised with the first in precedence entering the Church last, i.e. the Mayor of the Basildon Borough Council will be the last person to enter the Church. On leaving the Church the Mayor will lead the procession, other dignitaries following in the order narrated above.

(e) **Recognition of the Mayor of Basildon Borough Council**

The Mayor of the Borough Council where attending a function anywhere within the Borough of Basildon shall be accorded due precedence in accordance with the rules detailed above but, if not presiding, the place to be reserved for his or her use should be on the immediate right of the person presiding. The Mayor's escort should be seated on the immediate right of the Chairman or on the left of the person presiding. The Mayor's presence and the order of his or her precedence should be recognised in any formal address.

(f) **Recognition of the Chairman of a Local Council**

Depending on the function concerned it may also be appropriate to recognise the Chairman of the Local Council in whose Parish the function is held. Subject to the consideration of any of the dignitaries referred to in paragraph 3(a), the Chairman of the Local Council ranks second in order of precedence within his own Parish after the Mayor of the Borough Council. The Chairman of a Local Council has no status or powers outside the area of his own Parish.

(g) **Functions outside the Borough of Basildon**

The Mayor of the Basildon Borough Council has no formal status or powers outside the area of the Borough Council and will only normally attend functions outside the area in his official capacity where he or she has been invited as a guest of, or together with, the Chairman or Mayor of the District or Borough Council in question, or the County Council.

(h) **Functions within a particular Parish of the Borough of Basildon**

Chairmen of Local Councils should normally not attend such functions in an official capacity unless invited by Chairman of the Local Council concerned, or the Borough Council. On such occasions, the Chairman will normally wear the badge of office, not a chain.

(i) **Clarification of rules of protocol**

Invitations may arise from organisations both within and outside the Borough of Basildon who are not aware of the normal rules for civic protocol and it is important that event organisers do not issue formal invitations to any civic representatives without first contacting the Basildon Borough Council. The Chief Executive, in liaison with the Clerk to the Lieutenancy if necessary, will determine whether a civic presence is necessary or appropriate and will advise the organisers accordingly.

Invitations sent to a Chairman of a Local Council in respect of the Borough Council area, or matters relating to its duties or functions, will be referred to the Chief Executive of the Borough Council and in such situations invitations will not be accepted prior to agreement being reached.

4. Chains and badges

(a) The Mayor of the Basildon Borough Council wears the Chain of Office:

(i) At all meetings of Basildon Borough Council

(ii) At other meetings over which he or she may be asked to preside as the Mayor of the Basildon Borough Council

(iii) When hosting social occasions within the Borough

- (iv) When attending formal civic functions within the Borough
 - (v) When representing the Council at any formal occasion within the Borough
 - (vi) At any other occasions when it is appropriate that he or she should so do in the interests of the status and dignity of the office of Mayor of the Basildon Borough Council.
- (b) The Badge of Office is normally worn when attending less formal social occasions within the Borough, or when invited as guest of other civic leaders outside the Borough, unless otherwise requested.
 - (c) The Deputy Mayor will, when deputising for the Mayor, wear the Deputy Mayor's Badge of Office, and for the purpose of civic protocol will generally be accorded the same status as the Mayor.
 - (d) The wearing of Chains or Badges of Office at functions organised by the Essex County Council in the Borough of Basildon at which the Chairman of the County Council is acting as host will, subject to paragraph 4(a) above, be a matter for the Chairman of the Essex County Council.
 - (e) The wearing of Chains or Badges of Office at functions organised by a Local Council and hosted by the respective Chairman will, subject to paragraph 4(a) above, be a matter for the Local Council Chairman to determine.

5. Forms of address

- (a) The Mayor of the Basildon Borough Council shall be addressed verbally as "Mr. Mayor" or, at a function at which another person is presiding, as "Mr. Mayor of the Basildon Borough Council". In the case of a lady Mayor "Mr. Mayor" is still correct although "Madam Mayor" is more commonly used. Where a formal announcement is to be made the Mayor should be introduced as "The Mayor of the Basildon Borough Council, Councillor ..." and where accompanied "The Mayor of the Basildon Borough Council, Councillor and".
- (b) It is customary for the Mayor's spouse or partner to be referred to as the Mayor's consort.

6. Mayor's Charity Appeal Trust

The Mayor's Charity Appeal Trust has been set up with the objective of making grants to such general charitable purposes as the trustees determine. Sources of funding for the Trust include the Basildon Borough Lottery.

Organisers of events to which any of the dignitaries referred to in this document are invited are requested, in the interests of adherence to proper rules of protocol, to liaise with the Chief Executive of Basildon Borough Council, St Martin's Square, Basildon, Essex SS14 1DL Telephone: 01268 207845.

5.10 Awards Protocol

1. Background

When the late former Councillor Alf Dove retired in 1999 after 43 years as a Councillor, the Council resolved to establish the Alf Dove Award to mark his unique service to the community. This award seeks to recognise significant contributions made by individuals to the well being of the local community.

Under section 249 of the Local Government Act 1972, the Council, at an Extraordinary meeting convened for the purpose, may appoint an **Honorary Alderman** of the Borough by a resolution passed by no less than two-thirds of Members present at the meeting. An Honorary Alderman must be a former member of the Council who, in the opinion of the Council, has rendered eminent services to the Council.

Also under this section of the Act, and by the same process, the Council may grant **Freedom of the Borough** to persons or organisations of distinction that have, in the opinion of the Council, rendered eminent services to the Borough. Individuals can be awarded the title **Honorary Freeman** of the Borough and organisations can be granted the **Freedom of Entry to the Borough**. Traditionally Freedom of Entry was granted to military units as a dignified and satisfactory means of enabling a city or borough to honour a distinguished unit of Her Majesty's forces. However, the granting of Freedom of Entry to the Borough is not specific to military units and can be granted to other bodies as a way of recognising and maintaining strong links with them.

2. Criteria and procedure

2.1 Criteria for awarding the Alf Dove Award

- (i) The Alf Dove Award may be presented to a member of the local community to recognise and mark the significant community service they have given to the Borough.
- (ii) Individuals who live, work or undertake voluntary work in the Borough will be eligible for consideration for the award.

2.2 Procedure for awarding the Alf Dove Award

- (i) In June each year, written nominations will be sought from all Members of the Council.
- (ii) The nominations will include any nominations for Alderman or individual Freedom of the Borough that have been considered during the year but were unsuccessful.
- (iii) The Director of Strategy and Governance will arrange a meeting of all Group Leaders to consider the nominations and decide which nominee, if any, will receive the award for that year.

- (iv) Once the preferred nomination has been selected, the Director of Strategy and Governance will contact the successful nominee to inform them of the award and asking if they are willing to accept it. If so, he will request suitable dates for that person (and any family and close friends) to attend a small presentation to be hosted by the Mayor.
- (v) Subject to availability, the presentation event will take place in early September. Invitations will be sent to all members of the Council, and local MPs. At the event, the Mayor will present an engraved Basildon Borough Belltower to the successful nominee.

2.3 Criteria for the appointment of an Honorary Alderman

- (i) The title of Honorary Alderman is a high honour which should only be awarded in exceptional circumstances to former Councillors who have rendered eminent services to the Council having made an outstanding contribution to the activities of the Council.
- (ii) In order to have achieved the required level of distinction, it is likely that prospective Aldermen will have served at least 12 years as a Councillor before being considered for appointment as an Honorary Alderman, unless there are exceptional reasons why an ex-Councillor with fewer years service should be considered. The years service need not be consecutive.
- (iii) No serving Councillor may be considered for appointment as an Honorary Alderman. If an Alderman is subsequently re-elected onto the Council, they may not be addressed as Alderman, attend civic ceremonies or events in the capacity of Alderman, or benefit from any other privileges that Aldermen may be entitled to, until they once more cease to be a Councillor. The award may be granted posthumously

2.4 Criteria for Awarding of Freedom of the Borough to Individuals or Organisations

- (i) Freedom of the Borough is a high honour which should only be awarded in exceptional circumstances where the prospective recipient is an individual or organisation of distinction and has rendered eminent services to the Borough. They will have demonstrated outstanding achievements in the Borough and/or on the international stage which have brought pride and satisfaction to the Borough.
- (ii) Serving Councillors shall not be eligible for nomination as an Honorary Freeman. However, Aldermen shall be eligible. The award may be granted posthumously.

2.5 Procedure for Appointing an Honorary Alderman or Freedom of the Borough

- (i) Nominations for ex-Councillors to be appointed as Honorary Aldermen, or for persons or organisations to be granted Freedom of the Borough, may be made by any serving Member of the Council to the Director of Strategy and Governance on the appropriate form. The Member should first raise the matter for discussion within their political group.
- (ii) Once a nomination is received, the Director of Strategy and Governance will consult all Group Leaders to assess the likely level of support for the nomination. Only if it is apparent that the nomination would achieve the required 2/3rds support would it proceed to committee for consideration.
- (iii) Nominations which satisfy the requirement at (ii) above will be considered by the Policy Executive Committee, or relevant constituted sub-committee which will determine whether the nominee meets the criteria to become an Honorary Alderman or be granted Freedom of the Borough. The item will normally be considered by the Committee in Part II of the meeting by virtue of Paragraph 2 of Part 1 of Schedule 12A of the Local Government Act 1972 (information which is likely to reveal the identify of an individual.). The Member that submitted the application will be invited to the meeting of the Committee as the advocate for the application.
- (iii) For the matter to proceed there must be a majority of the Members of the Committee present in favour of the application. The Chairman will have no casting vote. If the Committee determines that the nominee **does not** meet the criteria for appointment as an Honorary Alderman or granting Freedom of the Borough, the nominee will be put forward for consideration as a possible recipient of the Alf Dove award, should they meet the eligibility criteria.
- (iv) If the Committee's determination is that the nominee **does** meet the criteria, it may be considered necessary for the Director of Strategy and Governance to undertake further consultation with political groups to ensure, as far as is possible, that there would be sufficient support for the award to be approved at Council.
- (v) If sufficient support is assured, the Director of Strategy and Governance would approach the nominee, in confidence, to ascertain their willingness to accept the award should it be approved at Council.
- (vii) If the nominee would be willing to accept the award, an Extraordinary Council meeting will be convened specifically for the purpose of considering the award of Honorary Alderman or granting Freedom of the Borough.
- (viii) The date of the Extraordinary Council meeting will be agreed with the Mayor. For convenience, this meeting may be held immediately prior to an Ordinary meeting of Council.

- (ix) At the Extraordinary meeting, the Council must pass a formal resolution to confer the title of Honorary Alderman or Freeman or grant Freedom of Entry. The resolution should recite the grounds upon which the title is being conferred and must be passed by a 2/3rds majority of those Members present and eligible to vote.
- (x) A special ceremony and presentation will be arranged for a later date at which the Mayor will present a Scroll on which has been engrossed a sealed copy of the Council Resolution. All members of the Council, local MPs and existing Honorary Aldermen and Honorary Freemen will be invited to the ceremony and presentation.
- (xi) As an alternative to holding the Extraordinary Council meeting immediately prior to an Ordinary Council meeting, it may be considered preferable for the special ceremony and presentation to directly follow the Extraordinary Council meeting. This should only be considered if a unanimous vote in favour of the award is likely.

3. Privileges

The names of Honorary Aldermen Honorary Freemen and organisations awarded Freedom of Entry to the Borough will be displayed on boards at the Council Offices. Honorary Aldermen and Honorary Freemen may attend and take part in such civic receptions and functions to which all Members of the Council are invited and where the spouses and partners of Members are entitled to attend, then so shall the spouses and partners of Aldermen and Freemen. However, Aldermen and Freemen shall not have the right, as such, to attend meetings of the Council or a Committee, or to receive any such allowances or payments to which Councillors are entitled.

Freedom of Entry to the Borough entitles a military unit to march through the streets of the Borough with bayonets fixed, drums beating and Colours flying.

5.11 Protocol on the Use of Media Tools at Meetings Held in Public

1. Introduction

The purpose of this protocol is to provide guidance on the use of media tools by members of the public or representatives of the media at meetings of Council, committees and sub-committees. This includes filming, audio recording, taking photographs, blogging, tweeting and using other social media websites.

The Council will webcast the majority of its Council and committee meetings that are held in public in the St George's Suite at the Council's offices and will subsequently publish the recording as soon as practicable after the meeting.

2. Background

As part of the Government's transparency drive to give citizens the opportunity to access and experience their local democracy using modern communication methods, Councils are required to give any member of the public, including community 'hyper-local' bloggers and on-line broadcasters, the same routine access to Council meetings as traditional accredited media. The Openness of Local Government Bodies Regulations 2014 allow any member of the public to take photographs, film or audio-record the proceedings at meetings held in public, and to report on them using social media.

3. General principle

The use of media tools is recognised as contributing towards transparency and democratic debate and there will be no restrictions on their use by members of the public during any Council meetings which the press and public are entitled to attend. However, the proceedings of a meeting must not be disrupted by the use of media tools and must not inhibit community involvement in the proceedings. The Chairman of the meeting has the right to ask someone to stop using media tools if they are causing a disruption.

4. Filming and audio recording

4.1 Filming and audio recording of meetings, by representatives of the media and also by members of the public using small media tools, is permitted. Although it is not a requirement, anyone wishing to film or audio record a meeting is requested to inform the Committee and Member Services Team Manager in advance of the meeting. If the equipment to be used is larger than a hand held device, this advance notice should include details of the equipment to be used so that adequate arrangements can be made.

4.2 Any filming or audio recording must take place from fixed positions in the meeting room, generally the area designated as the public gallery. Any alternative location, due to the size of the equipment to be used, will be agreed with the Chairman of the meeting in liaison with the Manager of

Marketing and Communications and the Committee and Member Services Team Manager or their representative.

- 4.3 Large equipment must be set up before the meeting starts.
- 4.4 The continued use of flash photography or additional lighting will only be permitted if, in the opinion of the Chairman of the meeting, it does not disrupt the proceedings of the meeting
- 4.5 Anyone filming a meeting should fix the device on the committee and not pan around the room to film the public gallery as members of the public have the right not to be filmed against their wishes.
- 4.6 If a member of the public addresses a meeting that is being filmed or audio recorded, such as objectors to planning or licence applications, they will be asked if they permit to being filmed or audio recorded. If they do not, the operator will be asked to stop whilst the member of the public is speaking.
- 4.7 If the Chairman considers that the filming or audio recording is disrupting the meeting in any way, the operator will be required to stop immediately. Examples of disruption include moving outside the designated area; excessive noise; intrusive lighting; a running commentary by the operator or other interruptions; and continuing to film or record when a member of the public addressing the meeting has asked not to be filmed or audio recorded.
- 4.8 If members of the public and press are asked to leave a meeting because there are private items of business on the agenda, they must not leave filming or recording devices in the meeting room.
- 4.9 Any film or audio recording must not be edited in such a way that could lead to misinterpretation of the proceedings. This includes refraining from editing the views being expressed in a way that may ridicule or show a lack of respect towards those present at the meeting. If such editing is carried out, the Council reserves the right to prevent the operator from filming or audio recording Council meetings for a period of time it considers appropriate. It may also take legal action against the operator if it considers that an offence (such as defamation) has been committed.

5. Other use of media tools

- 5.1 No restrictions will be placed on anyone in the public gallery at a meeting in relation to the use of twitter, blogs, Facebook and still photography, provided that the Chairman does not consider their actions are disrupting the proceedings of the meeting.
- 5.2 At the start of the meeting the Chairman will request that all mobile phones are set to 'silent' to ensure that the meeting is not disrupted.
- 5.3 The Council may take legal action against anyone that it considers may be guilty of defamation as a result for their use of social media.

PART 6

MEMBERS' ALLOWANCES SCHEME

Basildon Borough Council

Members' Allowances Scheme

July 2018
(updated June 2021)

MEMBERS' ALLOWANCES

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Note: The information in the appendices, particularly the amounts payable, may be subject to amendment from time to time. When this occurs updated information will be used.

1. Introduction

This document sets out information on the scheme for Members' Allowances at Basildon Borough Council.

The contents of the document provide a simplified version of the statutory Regulations and as such should not be considered exhaustive. Under the Regulations, the Council is required to appoint an independent Remuneration Panel, which makes recommendations as to the key elements of the Scheme.

If you have a query or require clarification on any particular aspect please contact Committee and Member Services.

2. Independent Remuneration Panel

The Independent Remuneration Panel meets as required to consider and make recommendations to Council on the Members' Allowance Scheme. The Panel is composed of three independent members as agreed by the former Employment and General Purposes Committee and the quorum for meetings of the Panel is two. The Scheme is subject to a full review every four years and a mid-term, light touch review in the intervening periods. Membership of the Panel is to be reviewed prior to the commencement of each four-yearly full review of the Scheme. The terms of reference of the Panel are:

To make recommendations to the authority:

- (i) as to the amount of basic allowance that should be payable to its elected members
- (ii) about the responsibilities or duties which should lead to the payment of a special responsibility allowance and as to the amount of such an allowance
- (iii) about the duties for which a travelling and subsistence allowance can be paid and as to the amount of this allowance
- (iv) as to the amount of co-optees' allowance
- (v) as to whether the authority's allowances scheme should include an allowance in respect of the expenses of arranging for the care of children and dependants and if it does make such a recommendation, the amount of this allowance and the means by which it is determined
- (vi) on whether any allowance should be backdated to the beginning of a financial year in the event of the scheme being amended
- (vii) as to whether annual adjustments of allowance levels may be made by reference to an index, and, if so, for how long such a measure should run

3. Basic allowance

The scheme provides for a basic allowance, which is the same for each Member. This is intended to recognise the time devoted by Members to their work including such inevitable calls on their time as meetings with constituents and political group

meetings and also to cover incidental costs for which other provision is not made (such as telephone costs).

This allowance also covers attendance at meetings of Committees, Sub-Committees and Panels of the Council, site visits and meetings of external bodies where an individual member is appointed to represent the Council.

This allowance is paid automatically by monthly instalments and as such it is not necessary to submit a claim form.

As re-affirmed by Council on 24 May 2018, this allowance is subject to an annual increase in line with the national pay award for Local Authority staff. The current amount payable is shown in **Appendix 1(1)**.

4. Special responsibility allowance

A special responsibility allowance is payable where the Council is satisfied that a Member has special responsibilities in relation to the discharge of the functions of the Council.

The total allowance approved by the Council is payable as a percentage of the basic allowance.

The percentage per responsibility and associated conditions are set out in **Appendix 2**.

This is also paid automatically by monthly instalments and no claim is required.

5. Travelling allowance

There is an automatic entitlement for every Member to claim travelling allowance in respect of the duties set out below and where expenditure is necessarily incurred.

The employee scheme for travel allowances is applied to Members and any increase in rates will be applied automatically.

The allowance claimable depends upon the mode of transport used. Members are encouraged to use public transport wherever practicable, particularly in respect of meetings, conferences, etc. outside the Borough.

The information below gives details of meetings that qualify for travelling allowances:

- Council (including Extraordinary Council meetings);
- Meetings of all Committees, Sub-Committees, Panels, Working Groups or Boards of the Council as established at the Annual Meeting;
- Certain Member 'training' where approved in advance by the Chief Executive and to which representatives of more than one political group have been invited;

- Certain local conferences and ad hoc meetings, where approved by the Chief Executive in advance and to which representatives of more than one political group have been invited;
- Certain other bodies to which the Council makes appointments or nominations (as listed in **Appendix 3**);
- Any local authority association of which this Council is a member;
- Other meetings authorised by formal minute of the Council, a Committee or Sub-Committee, subject to representatives of more than one political group having been invited.

The travelling allowance is intended to cover normal travel arrangements only to enable a Councillor to attend an approved duty and will cover:

- travel from the Councillor's home or alternative local base (or the Borough boundary if their home is outside the Borough) to the location of the approved duty, or
- travel from the location of one approved duty (whether in the Borough or not) to another.

Mayor/Deputy Mayor

In addition, the travelling allowance is payable for independent travel (i.e. not using officially arranged transport) by the Mayor and Deputy Mayor in relation to carrying out their duties.

Committee Chairmen

A Committee Chairman may claim travel allowances in respect of any journey provided that, in submitting the claim, they are able to certify that the journey was for the purpose of, or in connection with, the discharge of their role and responsibilities as a Committee Chairman. Such claims will be subject to review by the Chairman of the Policy Executive Committee.

Claims should be submitted on the standard pro-forma and in accordance with paragraph 15.

Unless specified above travel allowance is not normally claimable. However, the Chief Executive (or in his/her absence a Director) also has delegated power to authorise the reimbursement of travel & subsistence costs incurred by any Member in connection with events, which are **not** classified above. (Minute No. 1999/593). Any such decision by the Chief Executive must be made in advance of the date of the event and the Chief Executive must be satisfied that attendance is in connection with the discharge of the functions of the Council.

Members wishing to apply for such authorisation should complete the appropriate pro-forma and submit it to the Director of Resources at least seven days in advance of the event. The application also covers related subsistence (see paragraph (4) below).

The allowances payable for all eligible journeys are as follows:

- (a) Member's own private vehicle:

The current allowances are shown in **Appendix 1(2)**.

Members should note that some vehicle insurance companies may consider journeys related to official duties as being for "business purposes". It is strongly recommended that you seek guidance from your motor vehicle insurer as to whether such use needs to be formally registered.

- (b) Travel by public transport:

Not exceeding second class fares, increased by any actual supplementary expenditure incurred:

- (i) reservation of seats and deposit or portorage of luggage; and
- (ii) on sleeping accommodation for an overnight journey, subject however, to a reduction of one third of any subsistence allowance payable for that night (see paragraph (4) below).

- (c) Taxi or private hire car:

These may be used in cases of urgency or where no public service is reasonably available. The amount claimed should not exceed the fare actually paid and any reasonable gratuity paid.

- (d) Hired car:

Not exceeding the rate, which would have been applicable, had the vehicle belonged to the Member (see (a) above and **Appendix 1(2)**).

- (e) Air travel:

Details will be supplied on request.

Claims should be submitted in accordance with paragraph (15) below.

6. Subsistence allowance

The employee scheme for subsistence allowances is applied to Members and any increase in rates will be applied automatically.

Subject to the time restrictions set out below, subsistence allowances are payable where directly related to duties for which travelling allowance is payable (see paragraph 4 above) and where actual expenditure is necessarily incurred.

Subsistence expenses may also be reclaimed for certain other events for which, approval in advance has been given by the Chief Executive as explained in paragraph (4) above.

Unless specified above subsistence allowance is not normally claimable.

(a) Day-time Rates

Rates of subsistence allowance payable for duties not involving an absence overnight from the usual place of residence are shown in **Appendix 1(3)(a)**. Payment is restricted to duties lasting a minimum of four hours.

When main meals (i.e. a full breakfast, lunch or dinner) are taken on trains during a period for which there is an entitlement to daytime subsistence, the reasonable cost of the meals (including VAT) may be reimbursed in full, subject to the limits specified below, even if the costs are above the financial limits set out in **Appendix 1(3)(a)**. In such cases, the rate of daytime subsistence allowance for the remaining period of duty in **Appendix 1(3)(a)** shall be reduced by 4 hours in respect of each meal taken on the train.

The maximum number of main meals taken on trains in this way are:-

- (i) Absence over 4 but no more than 8 hours, one main meal;
- (ii) Absence over 8 but no more than 12 hours, two main meals;
- (iii) Absence over 12 hours, three main meals.

(b) Overnight Rates

In the case of an absence overnight from the usual place of residence a fixed sum for subsistence allowance is payable. The overnight rate covers a period of 24 hours, calculated from the time a Member leaves home or some other appropriate starting place. For each period beyond 24 hours (or a multiple) the daytime rates apply. The amount of the overnight allowance is shown in **Appendix 1(3)(b)**.

Where such an absence overnight is in London, or for the purposes of attendance at an annual conference of any association of local authorities approved for the purpose by the Secretary of State, a higher fixed sum is payable (see also **Appendix 1(3)(b)**).

For these purposes "London" means the City of London and the London boroughs of Camden, Greenwich, Hackney, Hammersmith and Fulham, Islington, Kensington and Chelsea, Lambeth, Lewisham, Southwark, Tower Hamlets, Wandsworth and Westminster.

The Council's Committee and Member Services Section is available to assist Members in arranging cost effective overnight accommodation, particularly where a number of delegates have been sent on official duty that requires them to stay in overnight accommodation.

(c) General

The amounts payable for subsistence shall be reduced by an appropriate amount in respect of any meal provided free of charge by an authority or body in respect of the meal or the period to which the allowance relates. Similarly, where the absence includes an overnight stay, an appropriate deduction should be made where accommodation is provided by the authority or other body.

For duties overseas, there are no statutory maximum rates laid down and it is normal for any reasonable expenses incurred above the normal UK rates also to be paid.

7. Conference allowance and expenses

This allowance covers attendances approved by the Council at any conference or meeting organised by any person or body who is not doing so by way of trade or whose objectives are not wholly or partly political. The purpose of the conference or meeting must, in the Council's opinion, relate to the interests of the borough or part of it or to the inhabitants of the area or some of them.

An allowance in the nature of an attendance allowance is payable for each 24 hour period (or part thereof). The current rate for this allowance is shown in **Appendix 1(4)**.

Allowances for travelling and subsistence in relation to conferences and meetings are subject to the same rules as for ordinary travelling and subsistence allowances (see paragraphs (3) and (4) above).

8. IT allowance

An IT allowance is payable to Members who use information and communications technology to fulfil their roles. This allowance is not subject to an annual increase but will be reviewed each time the Members' Allowances Scheme is reviewed. The current rate is shown in **Appendix 1(5)**.

The IT allowance is intended to cover the following, to aid a Councillor in fulfilling their role:

- Provision of relevant equipment and software
- Provision of consumables
- Infrastructure (i.e. broadband) and support
- Conformity with any operational requirement of the Council

9. Carer's allowance

A carer's allowance is payable to Members who need to make special arrangements to enable performance of "approved duties". Full details are set out in **Appendix 4**.

10. Disclosure and Barring Service (DBS) fees

The Council will reimburse each Member for the cost of an annual basic level DBS check. The current rate is shown at **Appendix 1(6)**.

11. Duplicate claims

Members are reminded that, under the Local Government Act 1972, allowances may not be claimed from more than one body in respect of the same duty. There are provisions which provide that a Member is not entitled:-

- to take expenditure on travelling into account for the purpose of more than one claim;
- to take any period of absence from his usual place of residence into account for the purpose of more than one claim;

Where a Member is entitled to allowances from more than one body, it is for the bodies concerned, not the recipient, to decide the source from which payment is made.

Where a Member is unsure of the correct procedure for claims, advice should be sought from the HR Operations and Payroll Manager.

12. Register

The Council is required to keep a record of the payments made in accordance with this scheme. The register of such payments must specify the name of the recipient and the amount and nature of all such payments.

This register is available for inspection free of charge by local government electors in the Basildon Borough Council area at all reasonable times. Such persons are entitled to make a copy of any part of the record, by arrangement with the Payroll department.

13. Publicity

- (a) The Council must, as soon as practicable after amending this scheme of allowances, make arrangements for its publication within the authority's area.
- (b) At the end of each financial year the Council must as soon as practicable publish details of allowances paid to each Member in a journal widely available within the Basildon Borough.

14. Statutory Sick Pay

Under the Statutory Sick Pay Scheme, Members may be eligible for sick pay in respect of basic special responsibility and attendance allowance. However, in practice the DSS rules mean that few, if any Members will qualify under the Statutory Scheme.

The main qualifying criteria are set out in **Appendix 1(7)**. Further information is available on request from the HR Payroll Manager.

15. Deductions from allowances

Basic, special responsibility and the attendance element of conference allowances are all subject to the deduction of Income Tax and National Insurance. Travelling allowances are free from deduction of any kind. Subsistence allowances are not taxable except where claimed in respect of an approved duty at the usual administrative centre (i.e. Basildon Town Centre Offices).

(i) Income Tax

Tax will normally be deducted from the above allowances at the prevailing basic rate (see **Appendix 1(8)**). However, Members have the option to have deductions made at the higher rate of taxation or to have normal PAYE deductions made. Further information on these aspects is available from the Payroll Section.

The Inland Revenue will base your tax liability on the aggregate of taxable income received from all sources including:-

- Taxable Members' Allowances (see above)
- Earnings from employment
- Occupational Pensions
- Certain State Benefits, e.g. retirement pension, unemployment benefit, long term sickness benefit.

The Inland Revenue will be prepared to consider making an allowance in respect of the following expenses which are incurred directly from your duties as an elected Member:-

(a) Telephone Calls

The records to be maintained in support of claims made should include: -

Date - Number Called - Purpose of Call - Cost of Call

Note: It is not possible to claim relief in respect of the telephone rental charge or parts thereof.

(b) Household Expenses

The standard allowance is £135 per annum.

Provided that Members are able to satisfy the qualifying condition that parts of their homes are used for official duties and additional expenses are incurred, they may claim this allowance without the need to submit supporting documentation to the Inland Revenue.

In the event that a Member would wish to submit a claim for more than £135 per annum, it will be necessary to provide a detailed breakdown of the claim, the basis of calculation and household bills against which the claim has been made. Sufficient records would need to be maintained to qualify what periods have been spent working from home.

The address of the Council's Tax Office is:

**Inland Revenue
Sefton Area
The Triad, Stanley Road
Bootle, Merseyside L75 1HT**

Telephone No. 0845 300 3939

Please quote reference **083/BA3473** and your personal National Insurance Number on all correspondence.

This is the only Tax Office Members should contact regarding taxation issues relating to Members' Allowances.

(ii) National Insurance

Deduction of National Insurance contributions will be made when the total of the taxable allowances paid in respect of any one month exceeds the prescribed lower limit. The current lower limit is detailed in **Appendix 1(9)**.

In certain cases, Members may hold or be eligible for certificates of reduced or deferred liability from the Inland Revenue Contributions Office or may otherwise be exempt from NI deductions because of being above state retirement age. Further details are available from the Payroll Section.

(iii) Benefit Allowances (Housing and Council Tax) - See paragraph 15 below.

Please see **Appendix 5** for further guidance on Income Tax and National Insurance.

16. Payments procedure

Payment of basic allowance, IT allowance and special responsibility allowance are made automatically on the last banking day of each month unless a Member states in writing that he/she does not wish to receive an allowance. It is not necessary to complete any claim form with regard to these two allowances.

Payments will be made by direct credit to the Member's bank or building society account.

Travel and subsistence allowances and conference allowances must be claimed on the standard form available from the Human Resources/Payroll department. If received in the Payroll office by 15th of the month these will be paid at the same time as the monthly allowances.

To avoid delay, Members are requested to send all claims direct to:

Basildon Borough Council
Payroll Section
The Basildon Centre
St Martin's Square
Basildon
Essex SS14 1DL

All subsistence allowance claims and claims for re-imburement of travel by public transport or taxi must be accompanied by receipts. These receipts should be appropriate sales vouchers of costs and not a credit/debit card sales receipt. Where it is not practical to provide a receipt or one is not available, the claim form should be annotated as such with a suitable explanation.

The primary responsibility to ensure the accuracy and integrity of claims for allowances rests with the individual Member. Officers are available to give advice and guidance on claims and will undertake checks against claim forms but Members must not rely on Officers to identify claims made for ineligible duties or events.

The claim form includes a statement by the Member that he or she is not entitled to receive remuneration in respect of the matter claimed from any other source (see paragraph 8 above). ***It is essential that for each duty claimed, no columns are left blank.***

It is important that the Member personally specifies the amount of his/her claim, and signs accordingly. Officers are pleased to offer assistance in the completion of claim forms, but this does not extend to exercising discretion as to the amount due. Therefore, please do not leave blank any sections on the forms.

All claims for travel, subsistence and conference allowances under this Scheme must be made within two months of the date of the duty or event in respect of which the entitlement arises.

With this in mind, Members may feel that the easiest option is to submit claims on a monthly basis.

All claims must be received by the 15th of each month to ensure payment on the last banking day of that month. Late claims will be paid the following month.

Members will be provided with an online payslip detailing the payments made and the deductions (if any) taken via iTrent Self Service. To access, please visit www.basildon.gov.uk/ess. If you need login details, please contact the Payroll department. Payslips and P60s can be emailed to you if you provide Payroll with an email address and password of your preference.

17. Relationship between Members' allowances and benefits

Members who are incapable of work, unemployed or who have retired may find that being paid Members' Allowances will affect their entitlement to Social Security, Council Tax and Housing Benefits.

The most common instances where benefits may be affected are:

- Jobseeker's Allowance
- Income Support
- Housing Benefit
- Council Tax Benefit
- Working Families Tax Credit
- Incapacity Benefit
- Severe Disablement Allowance
- Disability Living Allowance
- Disabled Persons Tax Credit
- Pension Guarantee Credit
- Pension savings Credit

The payment of Members' Allowances does not affect entitlement to the basic State Retirement Pension.

Also, where Members or their partners are claiming benefits or Tax Credits, eligibility may be affected by either partner holding the office of elected Member. Accordingly, there is a need for **both** partners to advise the appropriate authority at the time a claim is made of the amounts payable under the Members' Allowances Scheme.

The rules on statutory entitlements are complicated. For this reason it is important that all allowances payable by the Council (including travel and subsistence) are declared forthwith to the designated authority.

IF YOU HAVE ANY DOUBTS PLEASE SEEK THE SPECIALIST GUIDANCE OF THE AGENCY PAYING THE BENEFIT OR THE INLAND REVENUE, FOR WORKING OR CHILD TAX CREDITS.

Please Note:

It is the Member's personal responsibility to make all declarations even where benefits administered by Basildon Borough Council are concerned. It is important if you are claiming more than one benefit or allowance to notify all the offices you have dealings with. It is not safe to assume that because you have informed one benefit office that they will inform any of the others or that the Payroll Section will inform the Council's Benefits Department.

Members should also be aware that under the Social Security legislation, the Council is required to furnish details of such payments to the appropriate body if so requested.

In most cases social security rules take into account income that is available and even if you decide not to accept your Members' Allowance, your benefit may be reduced by the amount, which you could have been paid.

When making declarations, Members are advised to identify all expenses actually and necessarily incurred in the performance of their duties as a Member in order to maximise benefit entitlement. This may include telephone costs, stationery, carer's costs etc. Reasonable costs will be offset against the income derived from Members Allowances as part of the benefit calculation.

Under the National Fraud Initiative, the Council may be required to supply personal information as part of the periodical data matching exercise. Such information may be provided to bodies such as the Department for Work and Pensions, the Inland Revenue, the Benefits Agency, the Council's Benefits Section and the Audit Commission.

The Local Government Information Unit have published a booklet "Guidance on Councillors' Allowances, Tax and Social Security Benefits". A copy has been made available to each Group Leader and in addition a further reference copy is available in the Payroll Section, The Basildon Centre.

MEMBERS' ALLOWANCES
LIST OF AMOUNTS PAYABLE

- (1) **BASIC ALLOWANCE** £6520.87 per annum (paid monthly)
- (2) **TRAVEL BY MEMBER'S OWN PRIVATE VEHICLE**

In the tables below, the cylinder capacity is that which is entered in the vehicle registration document.

| | <u>Rate per Mile</u> <u>(Maximum)</u> |
|---|--|
| (i) Solo motorcycle | |
| Below 500 cc | 24.0p |
| Exceeding 500 cc | 24.0p |
| (ii) Motor car or tri-car of cylinder capacity: | |
| (a) exceeding 500 cc but not exceeding 999 cc | 45.0p |
| (b) exceeding 999 cc | 45.0p |

Supplements

The rates specified above may be increased by 1.0p a mile for each passenger carried (up to 4) who would otherwise have been paid a Travelling Allowance.

Also, the rates specified above may also be increased by not more than the amount of any expenditure actually incurred on tolls, ferries or parking fees.

NOTES:

The Council has agreed to restrict car allowance to the bands stated in 2(ii) above. Higher bands have not been approved due to potential tax implications.

- (3) **SUBSISTENCE ALLOWANCE**

The rates below are restricted to duties lasting a minimum of four hours.

| <u>Daytime Rates</u> | <u>Rate not to exceed*</u> |
|------------------------------------|----------------------------|
| Breakfast (before 7.00am) | £6.88 |
| Lunch (between 12.30pm and 2.00pm) | £9.50 |
| Tea (after 6.30pm) | £3.76 |
| Evening Meal (after 8.30pm) | £11.77 |

(* or a higher sum where meals taken on trains - see paragraph (5)(a) of main text)

(b) Overnight Rates

| | |
|---|--------|
| Outside London | £79.82 |
| In London (or relevant annual conference) | £91.04 |

(These rates are deemed to include both accommodation & meal costs per 24 hours in the UK).

(4) **CONFERENCE ATTENDANCE ALLOWANCE**

| | |
|---------------------------------------|--------|
| For any period not exceeding 24 hours | £30.39 |
|---------------------------------------|--------|

(5) **IT ALLOWANCE**

| | |
|---|------------------|
| £450 per annum payable monthly at the rate of | £37.50 per month |
|---|------------------|

(6) **DBS FEES**

The current rate for a basic level DBS check is £23 per annum.

(7) **CURRENT RATES OF STATUTORY SICK PAY**

| <u>Level of Council Allowances</u> | <u>Weekly SSP Benefit</u> |
|--|---------------------------|
| Average weekly allowance below £113.00 | Nil |
| Average weekly allowance £113.00 or more | £89.35 |

(8) **INCOME TAX**

The current basic rate for Income Tax is 20%

(9) **NATIONAL INSURANCE**

The current lower limit at which National Insurance deductions commence is £719.00 per month (2018/19 tax year).

MEMBERS' ALLOWANCES
SPECIAL RESPONSIBILITY ALLOWANCES

The total allowance approved by the Council is to be paid on the basis of a percentage of the basic allowance as:

| Position | SRA % of Basic Allowance |
|--|---|
| Chairman of the overarching Service Committee/Leader of the Council: | |
| Chairmanship of Committee | 150 |
| Leadership responsibilities | 125 |
| Vice-Chairman of the overarching Service Committee/ Deputy Leader of the Council | 90 |
| Chairmen of Other Service Committees | 90 |
| Vice-Chairmen of Other Service Committees | 30 |
| Chairmen of Scrutiny Committees | 75 |
| Vice-Chairmen of Scrutiny Committees | 25 |
| Chairmen of Service Committee Sub-Committees (see 4. below) | 10 |
| Chairman of the Planning Committee | 175 |
| Vice-Chairman of the Planning Committee | 30 |
| Each other voting member of the Planning Committee | 10 |
| Chairman of the Licensing Committee | 150 |
| Vice-Chairman of the Licensing Committee | 25 |
| Chairman of the Audit and Risk Committee | 75 |
| Mayor | 150 |
| Deputy Mayor | 25 |
| Chairman of the Joint Standards Committee | 40 |
| Independent Persons and Local Councillors on the Joint Standards Committee; and Independent Member on the Audit and Risk Committee | 20 |
| Group Leaders (total amount - see note 5. below) | 150 |

1. Subject to 4. below, a Member can receive more than one SRA if they hold more than one post.
2. The SRAs for the Chairman and Vice-Chairman of the overarching service Committee include the additional roles associated with a leader and deputy leader of the Council, respectively.

3. The SRA for Chairmen of Service Committee Sub-Committees does not apply to the Urgent Decision and Staffing Sub-Committee or where the Chairman of the Sub-Committee is also the Chairman of a service committee.
4. The SRA for Group Leaders is 150% of basic allowance, shared proportionately amongst all Group Leaders, according to the number of Members in their Groups.

MEMBERS' ALLOWANCES - LIST OF APPROVED OUTSIDE BODIES

A127 Task Force

Association of South Essex Local Authorities

Basildon Borough Citizens' Advice Bureau Limited

Basildon Bus Forum

Basildon Business Group

Basildon Civil/Military Partnership Board

Basildon Community Resource Centre

Basildon Community Transport Services

Basildon Dementia Action Alliance

Basildon Health and Wellbeing Partnership and District Councils Health and Wellbeing Forum

Basildon Heritage

Basildon Rail Forum

Basildon Side by Side

Basildon Taxi and Private Hire Consultative Forum

Basildon Youth Strategy Group

District Councils Network

Essex Child and Family Wellbeing Advisory Board

Essex Civilian Military Partnership Board and Armed Forces Champion

Essex Coastal Forum

East of England Local Government Association

East of England Assembly of Council Leaders

Essex Flood Partnership Board

Essex Planning Member Group

Essex Police, Fire and Crime Panel

Essex Waste Partnership Board

Local Councils' Liaison Group

Local Government Association

Local Government Information Unit

Mayor of London - London Plan - Wider South East Political Steering Group

Norsey Wood Society

Opportunity South Essex Partnership

Patient and Community Reference Group for Basildon and Brentwood Clinical
Commissioning Group

PATROL (Parking and Regulation Outside London)

Pitsea Waste Management Centre – Public Liaison Group

South Essex Active Travel Sponsoring Board

South Essex Joint Strategic Plan Members Group

South Essex Children's Partnership Board

Transport East Forum

Veolia Pitsea Marshes Trust

Joint Arrangements:

Essex Countywide Traveller Unit Joint Committee

South Essex Parking Partnership Joint Committee

Joint Standards Committee

CARER'S ALLOWANCE - GUIDANCE NOTES

The regulations make provision for the payment of a Carer's Allowance for expenses necessarily incurred.

CRITERIA FOR CLAIMING

- **the allowance is only payable where it facilitates an elected Member to undertake a duty specified under Paragraph (3) of the Council's scheme for Members' Allowances;**
- the allowance is only payable where an elected Member actually incurs costs related to the care of children under the age of 14 or other direct dependants requiring the continuous presence of a carer;
- the carer must **not** be a close relative (i.e. any partner, parent, brother, sister, son, daughter, aunt, uncle or cousin);
- the period for which a claim can be made will include travelling time to and from the Member's home.

RATE PAYABLE

Care of children under 14 - Actual amount incurred up to the equivalent of the national living wage, regardless of the age of the carer.

Care of direct dependants requiring the presence of a carer - actual amount incurred up to twice the hourly allowance for childcare.

Members are advised that payments are not subject to the deduction of tax and National Insurance.

HOW TO CLAIM

There is a separate form specifically for Carer's Allowance and Members are reminded to complete every column to avoid delays in payment.

Submission of the form by 15th of each month will ensure payment is made on the last working day of the month (together with other elements of Members' Allowances).

Blank forms are available from the Payroll Section, The Basildon Centre, Telephone (01268) 207990.

STATUTORY BENEFITS

Members are advised to declare Carer's Allowance to designated authorities on any claims for statutory benefits (see paragraph (14) of this document).

GUIDANCE ON NATIONAL INSURANCE AND INCOME TAX

National Insurance Contributions

National Insurance is deducted at 12% of ALL earnings above £719.00 and up to £4,167.00 per month (2019/20 tax year). If you are employed elsewhere, this could mean you will be overpaying National Insurance. If you are of state pensionable age or over you may be exempt from paying National Insurance Contributions. If either of these two situations applies to you, you need to apply for either a deferment (when employed elsewhere) or an age exemption certificate.

If you are employed elsewhere, you need to contact your main employer's Contributions Office. You will need to provide them with details of the allowances you receive as a Member of the Council and provide the contact details of the Council's Inland Revenue Office, which are given below. They will advise you if you are entitled to either a deferment or age exemption certificate.

If you are not employed elsewhere and are at or above state pensionable age you will need to contact the Council's Inland Revenue Office to apply for an age exemption certificate or supply the Payroll department with a copy of your birth certificate or passport as proof of age.

Inland Revenue
Sefton Area
The Triad, Stanley Road
Bootle, Merseyside L75 1HT

Telephone No. 0845 300 3939

Please quote reference 083/BA3 473 and your personal National Insurance Number on all correspondence.

Please note if you are at or above state pensionable age you may already have an age exemption certificate.

All ORIGINAL deferment or age exemption certificates issued to you should be sent to the Payroll Section, The Basildon Centre AS SOON AS POSSIBLE as no changes can be made to your contributions without such documentation.

Income Tax Deductions

If you are employed elsewhere you could be underpaying Income Tax. If you are not employed elsewhere you could be overpaying.

If you are employed elsewhere you will need to contact your main employer's Inland Revenue Office. You will need to provide them with your main employer's tax reference as well as the Council's Inland Revenue details as shown below. If you are not employed elsewhere you need to contact the Council's Inland Revenue Office.

The relevant Inland Revenue Office will notify the Payroll section of any necessary changes to your tax. No change can be made to your tax deductions without such notification.

Please note that in all communication with the Inland Revenue you will need to quote your National Insurance Number so please have this and the Council's Inland Revenue Office details to hand.

The Council are unable to enter into discussions with the Inland Revenue on your behalf on these matters other than to answer any direct queries they may have.

PART 7

MEMBERS OF THE COUNCIL, WARDS, POLLING DISTRICTS AND MEMBERSHIP OF COMMITTEES AND SUB- COMMITTEES

Register of Members of the Council

(Section 100G of the Local Government Act 1972)

(Local Government Act 2000 (Constitutions) (England) Direction 2000)

| Name | Address | Ward |
|--------------|--|--------------------|
| ADEMUYIWA, D | c/o The Basildon Centre, St Martin's 4EL Square, Basildon SS14 1DL | St Martin's |
| ADENIRAN, O | c/o The Basildon Centre, St Martin's 4EL Square, Basildon SS14 1DL | Lee Chapel North |
| ADESHILE, Y | c/o The Basildon Centre, St Martin's Square, Basildon SS14 1DL | Vange |
| ALLEN, C | c/o The Basildon Centre, St Martin's Square, Basildon SS14 1DL | Langdon Hills |
| ALLEN, S | 62 The Upway, Basildon SS14 2JA | Crouch |
| BAGGOTT, A | 2 Raven Lane, Billericay CM12 0JD | Burstead |
| BLAKE, K | 66 Walthams, Pitsea, Basildon SS13 3PN | Burstead |
| BROCKMAN, E | c/o The Basildon Centre, St Martin's Square, Basildon SS14 1DL | Wickford North |
| BROWN, A | 99 Laindon Road, Billericay CM12 9LG | Fryerns |
| BUCKLEY, M | 65 Castledon Road, Wickford SS12 0HB | Wickford Castledon |
| CANHAM, G | c/o The Basildon Centre, St Martin's Square, Basildon SS14 1DL | Pitsea South East |
| DADDS, D | The Farthings, 10 The Square, Stock, Ingatestone CM4 9LH | Billericay East |
| DAVIES, A | c/o The Basildon Centre, St Martin's Square, Basildon SS14 1DL | Fryerns |
| FERGUSON, J | 25 Langford Grove, Basildon SS13 1ET | Pitsea North West |
| GREEN, H | c/o The Basildon Centre, St Martin's Square, Basildon SS14 1DL | Nethermayne |
| HARRISON, A | c/o The Basildon Centre, St Martin's Square, Basildon SS14 1DL | Lee Chapel North |
| HARRISON, D | 49 Alicia Avenue, Wickford SS11 8PH | Wickford Park |

| Name | Address | Ward |
|--------------|--|--------------------|
| HEDLEY, A | 25 Prower Close, Billericay CM11 2BU | Billericay West |
| HENRY, J | c/o The Basildon Centre, St Martin's Square, Basildon SS14 1DL | Laindon Park |
| HOLLIMAN, P | c/o The Basildon Centre, St Martin's Square, Basildon SS14 1DL | Wickford North |
| JEFFERY, G | c/o The Basildon Centre, St Martin's Square, Basildon SS14 1DL | Wickford Park |
| KETTLE, P | c/o The Basildon Centre, St Martin's Square, Basildon SS14 1DL | Nethermayne |
| KIRKMAN, D | c/o The Basildon Centre, St Martin's Square, Basildon SS14 1DL | Fryerns |
| LAWRENCE, D | c/o The Basildon Centre, St Martin's Square, Basildon SS14 1DL | Billericay West |
| MACKENZIE, L | c/o The Basildon Centre, St Martin's Square, Basildon SS14 1DL | Pitsea South East |
| McDONALD, E | c/o The Basildon Centre, St Martin's Square, Basildon SS14 1DL | Lee Chapel North |
| McGEORGE, M | c/o The Basildon Centre, St Martin's Square, Basildon SS14 1DL | Vange |
| MOORE, R | 47 Laindon Road, Billericay CM12 9LG | Burstead |
| MORRIS, C | 24 The Hastings, Wickford SS11 7EQ | Wickford North |
| MORRIS, D | 24 The Hastings, Wickford SS11 7EQ | Wickford Castledon |
| REID, P | c/o The Basildon Centre, St Martin's Square, Basildon SS14 1DL | Pitsea North West |
| RIMMER, C | c/o The Basildon Centre, St Martin's Square, Basildon SS14 1DL | Pitsea South East |
| ROBBINS, V | c/o The Basildon Centre, St Martin's Square, Basildon SS14 1DL | Langdon Hills |
| SARGENT, T | 81 Lower Street, Noak Bridge, Basildon SS15 4BD | Crouch |
| SCAROLA, J | c/o The Basildon Centre, St Martin's Square, Basildon SS14 1DL | Laindon Park |
| SCHRADER, A | c/o The Basildon Centre, St Martin's | Billericay East |

| Name | Address | Ward |
|--------------|---|---------------------------------|
| | Square, Basildon SS14 1DL | |
| SMITH, K | c/o The Basildon Centre, St Martin's Square, Basildon SS14 1DL | Nethermayne |
| SULLIVAN, S | 6 Great Saling, Shotgate, Wickford SS11 8XH | Billericay East |
| TERSON, S | 52 St Marys Crescent, Pitsea, Basildon SS13 2AS | Pitsea North West |
| TURNER, P | 27 Cranmer Close, Billericay CM12 0YQ | |
| WINGFIELD, K | c/o The Basildon Centre, St Martin's Square, Basildon SS14 1DL | Billericay West Laindon Park |
| YAQUB, M | c/o The Basildon Centre, St Martin's Square, Basildon SS14 1DL | St Martin's |

Wards, polling districts and Members

| Ward and Polling Districts and Electorate at 10.5.2021 | Councillors | Year of Retirement |
|--|-----------------|--------------------|
| BILLERICAY EAST (Electorate 9569) | | |
| Chantry BA (1844) | A Schrader (C) | 2022 |
| Norsey BB (3617) | D Dadds (C) | 2023 |
| St Mary's BC (919) | S Sullivan (C) | 2024 |
| Sunnymede BD (3189) | | |
| BILLERICAY WEST (Electorate 9537) | | |
| Gooseberry Green BE (2635) | A Hedley (C) | 2022 |
| Hannakins Farm BF (2152) | D Lawrence (C) | 2023 |
| Lake Meadows BG (2729) | P Turner (C) | 2024 |
| Queens Park BH (2021) | | |
| BURSTEAD (Electorate 8871) | | |
| Great Burstead BI (1612) | A Baggott (C) | 2022 |
| Little Burstead BJ (347) | K Blake (C) | 2023 |
| South Green BK (3301) | R Moore (C) | 2024 |
| Summerdale BL (1320) | | |
| Tye Common BM (2291) | | |
| CROUCH (Electorate 6836) | | |
| Noak Bridge BN (2241) | T Sargent (C) | 2022 |
| Ramsden Bellhouse - A BO (665) | S Allen (C) | 2024 |
| Ramsden Bellhouse – B BP (534) | | |
| Ramsden Crays A - BQ (1064) | | |
| Ramsden Crays B – BR (10) | | |
| Steeple View BS (2322) | | |
| FRYERNS (Electorate 10660) | | |
| Craylands BT (1815) | D Kirkman (L) | 2022 |
| Honeypot BU (1460) | A Davies (L) | 2023 |
| St Andrew's BV (2252) | A Brown (L) | 2024 |
| Whitmore BW (3355) | | |
| Willows BX (1778) | | |
| LAINDON PARK (Electorate 10106) | | |
| Dunton BY (304) | J Henry (C) | 2022 |
| King Edward BZ (3867) | J Scarola (L) | 2023 |
| Merrylands CA (1978) | K Wingfield (C) | 2024 |
| Millhouse CB (2654) | | |
| New Century CC (1303) | | |

| Ward and Polling Districts and Electorate at 10.5.2021 | Councillors | Year of Retirement |
|---|--------------------|-------------------------------|
| LANGDON HILLS (Electorate 7082) | | |
| Dry Street DA (132) | V Robbins (IG) | 2024 |
| Great Berry DB (3978) | C Allen (C) | 2022 |
| Marks Hill DC (2972) | | |
| LEE CHAPEL NORTH (Electorate 10320) | | |
| Bluehouse CD (1531) | E McDonald (L) | 2022 |
| Holy Trinity CE (2326) | O Adeniran (L) | 2023 |
| St Paul's CF (3212) | A Harrison (L) | 2024 |
| Somercotes CG (3251) | | |
| NETHERMAYNE (Electorate 10380) | | |
| Glenmere DD (1696) | K Smith (IG) | 2022 |
| Kingswood DE (4395) | P Kettle (IG) | 2023 |
| Lee Chapel South DF- A (2977) | H Green (IG) | 2024 |
| Westly Green DF - B (567) | | |
| Mistley DG (745) | | |
| PITSEA NORTH WEST (Electorate 9509) | | |
| Briscoe DH (3983) | J Ferguson | 2022 |
| Chalvedon DI (2420) | (L) P Reid (L) | 2023 |
| Nevendon DJ (315) | S Terson (C) | 2024 |
| Northlands DK (979) | | |
| Tanswell DL (359) | | |
| Trenham DM (1453) | | |
| PITSEA SOUTH EAST (Electorate 9324) | | |
| Bowers Gifford DN (1642) | L Mackenzie (C) | 2022 |
| Eversley DO (2875) | C Rimmer (C) | 2023 |
| Rokescroft DP (2659) | G Canham (C) | 2024 |
| Ryedene DQ (1671) | | |
| St Michael's DR (477) | | |
| ST MARTIN'S (Electorate 7401) | | |
| Fairhouse CH (1915) | M Yaqub (L) | 2023 |
| Ghyllgrove CI (2651) | D Ademuyiwa (C) | 2024 |
| Timberlog CJ (2475) | | |

**Ward and Polling Districts
and Electorate at 10.5.2021**

Councillors

**Year of
Retirement**

VANGE (Electorate 7153)

| | | |
|----------------------|----------------|------|
| Bardfield DS (996) | M McGeorge (L) | 2023 |
| Luncies DT (2752) | Y Adeshile (C) | 2024 |
| St Chad's DU (1466) | | |
| Vange Hill DV (1939) | | |

WICKFORD CASTLEDON (Electorate 6456)

| | | |
|----------------------|---------------|------|
| Bromfords EA (2998) | M Buckley (C) | 2022 |
| St Peter's EB (3458) | D Morris (C) | 2023 |

WICKFORD NORTH (Electorate 10477)

| | | |
|----------------------|-----------------|------|
| Barn Hall EC (1286) | P Holliman (C) | 2022 |
| Highcliffe ED (4544) | E Brockman (WI) | 2023 |
| Shotgate EE (2886) | C Morris (C) | 2024 |
| Swan EF (1761) | | |

WICKFORD PARK (Electorate 7484)

| | | |
|-------------------------|-----------------|------|
| Oakfield EG (2483) | G Jeffery (C) | 2022 |
| Park Lodge EH (1213) | D Harrison (WI) | 2023 |
| The Wick East EI (3788) | | |



Membership of Committees and Sub-Committees

MAYOR:

Councillor D Dadds

DEPUTY MAYOR:

Councillor L Mackenzie

POLICY EXECUTIVE COMMITTEE

(8 Members of the Council) (Conservative 5, Labour 2, Independent 1)

Chairman: Councillor Baggott

Vice Chairman: Councillor Hedley

Other Members

Councillor Buckley

Councillor Sullivan

Councillor Holliman

Councillor Ferguson

Councillor Brown

Councillor Smith

RESOURCES AND COMMERCIAL COMMITTEE

(7 Members of the Council) (Conservative 4, Labour 2, Wickford Independents 1)

Chairman: Councillor Sullivan

Vice Chairman: Councillor Dadds

Other Members

Councillor Canham

Councillor C Allen

Councillor D Harrison

Councillor Ferguson

Councillor Yaqub

ENFORCEMENT AND PUBLIC ORDER COMMITTEE

(6 Members of the Council) (Conservative 4, Labour 1, Independents 1)

Chairman: Councillor Baggott

Vice Chairman: Councillor Adeshile

Other Members

Councillor Rimmer

Councillor McGeorge

Councillor Blake

Councillor Green

REGENERATION AND ECONOMIC DEVELOPMENT COMMITTEE

(7 Members of the Council) (Conservative 4, Labour 2, Independents 1)

Chairman: Councillor Hedley

Vice Chairman: Councillor Canham

Other Members

Councillor Henry

Councillor Harrison

Councillor Smith

Councillor Holliman

Councillor Brown

Co-opted Members (without voting rights):

2 x representatives from the Business Community (to be nominated by the committee)

HOUSING AND ESTATE RENEWAL COMMITTEE

(7 Members of the Council) (Conservative 4, Labour 2, Independents 1)

Chairman: Councillor Schrader

Vice Chairman: Councillor Wingfield

Other Members

Councillor Henry

Councillor Turner

Councillor Ferguson

Councillor Reid

Councillor Smith

Co-opted Members (without voting rights):

~~all representatives~~ by the Tenant and Leaseholder Association

2x tenant representatives

1x leaseholder representative

1x sheltered housing representative

- all to be nominated by the Tenant and Leaseholder Association

COMMUNITIES AND WELLBEING COMMITTEE

(7 Members of the Council) (Conservative 4, Labour 2, Independents 1)

Chairman: Councillor Sargent

Vice Chairman: Councillor Adeshile

Other Members

Councillor Henry

Councillor Wingfield

Councillor Davies

Councillor Yaqub

Councillor Smith

Co-opted Member (without voting rights):

1x youth council representative – to be nominated by the Committee 7.8

LEISURE AND ENVIRONMENT COMMITTEE

(6 Members of the Council) (Conservative 4, Labour 1, Wickford Independent 1)

Chairman: Councillor Rimmer

Vice Chairman: Councillor Henry

Other Members

Councillor D Morris

Councillor Blake

Councillor D Harrison

Councillor Ferguson

STRATEGIC PLANNING AND INFRASTRUCTURE COMMITTEE

(6 Members of the Council) (Conservative 4, Labour 1, Independents 1)

Chairman: Councillor Moore

Vice Chairman: Councillor C Morris

Other Members

Councillor Schrader

Councillor Brown

Councillor Terson

Councillor Robbins

SCRUTINY COMMITTEE

(6 Members of the Council) (Conservative 3, Labour 2, Independents 1)

Chairman: Councillor Mackenzie

Vice Chairman: Councillor Ademuyiwa

Other Members

Councillor S Allen

Councillor Kirkman

Councillor Yaqub

Councillor Green

AUDIT AND RISK COMMITTEE

(5 Members of the Council) (Conservative 3, Non-Aligned 1, Independents 1)

Chairman: Councillor Canham

Vice Chairman: Councillor Jeffery

Other Members

Councillor Mackenzie

Councillor McDonald

Councillor Kettle

LICENSING COMMITTEE

(10 Members of the Council) (Conservative 6, Labour 2, Wickford Independents 1, Non-Aligned 1)

Chairman: Councillor Lawrence

Vice Chairman: Councillor Wingfield

Other Members

Councillor D Morris

Councillor S Allen

Councillor C Allen

Councillor Moore

Councillor Brockman

Councillor Kirkman

Councillor McDonald

Councillor Scarola

Co-opted Members (without voting rights) -

For matters pertaining to the licensing regime for hackney carriages and private hire vehicles as it affects drivers, owners and operators: -

1 x nominee of the Basildon Taxi Proprietors Association

1 x nominee of the Basildon Private Hire Association

(to be nominated by the Committee)

PLANNING COMMITTEE

(6 Members of the Council) (Conservative 4, Labour 2)

Chairman: Councillor C Morris

Vice Chairman: Councillor Schrader

Other Members

Councillor Rimmer

Councillor C Allen

Councillor Davies

Councillor Reid

Co-opted Member (without voting rights):

A nominee of the Association of Basildon Local Councils

SUB-COMMITTEE

URGENT DECISION AND STAFFING SUB COMMITTEE

(4 Members of the Council) (Conservative 2, Labour 1, Independents 1)

Chairman: Councillor Baggott

Vice Chairman: Councillor Hedley

Other Members

Councillor Ferguson

Councillor Smith

JOINT COMMITTEE

JOINT STANDARDS COMMITTEE

(3 Members of the Council) (Conservative 1, Labour 1, Wickford Independents 1)

Chairman: Councillor Jeffery

Vice Chairman: TBC

Other Members

Councillor McGeorge

Councillor Brockman

Local Council Representatives: 2 nominees of the Association of Basildon Local Councils

Independent Persons (without voting rights): Mr J Petherick, Mr J Quinlan, Mr F McGhee, Mr R Bailey

PART 8

MANAGEMENT STRUCTURE

BASILDON COUNCIL MANAGEMENT STRUCTURE

This chart includes staff at the top levels of the organisation – June 2021

